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The President

CHILD HEALTH DAY—1941
BY THE PRESIDENT OF THE UNITED STATES
OF AMERICA

A PROCLAMATION

WHEREAS the Congress by joint resolution of May 18, 1928 (45 Stat. 617), has authorized and requested the President of the United States to issue annually a proclamation setting apart May 1 as Child Health Day:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, in recognition of the vital importance of the health and strength of the children of the Nation, do hereby designate the first day of May of this year as Child Health Day.

And I call upon the people of each community of the United States on that day to review the extent to which they are providing for children nutritious food, healthful recreation, effective health supervision, and adequate medical care, and to plan how such protection can be extended to all our children.

I also call upon children to take full advantage of their opportunity to grow in health and strength and to share in protecting the health of other boys and girls.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 7th day of April in the year of our Lord nineteen hundred and forty-
[SEAL] one, and of the Independence of the United States of America the one hundred and sixty-fifth.

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL,
Secretary of State.

[No. 2472]

[F. R. Doc. 41-2583; Filed, April 8, 1941;
11:46 a. m.]

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER IX—SURPLUS MARKETING ADMINISTRATION

[Order No. 53]

PART 953—LEMONS IN THE STATES OF CALIFORNIA AND ARIZONA

MARKETING ORDER REGULATING THE HAND- LING OF LEMONS GROWN IN THE STATES OF CALIFORNIA AND ARIZONA

- Sec.
- 953.1 Definitions.
 - 953.2 Administrative body.
 - 953.3 Expenses and assessments.
 - 953.4 Regulation.
 - 953.5 Lemons not subject to regulation.
 - 953.6 Reports.
 - 953.7 Compliance.
 - 953.8 Right of the Secretary.
 - 953.9 Effective time and termination.
 - 953.10 Effect of termination or amendment.
 - 953.11 Duration of immunities.
 - 953.12 Agents.
 - 953.13 Derogation.
 - 953.14 Personal liability.
 - 953.15 Separability.
 - 953.16 Amendments.

Under the provisions of Public Act. No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), it is provided that the Secretary of Agriculture of the United States (hereinafter referred to as the "Secretary") shall, subject to the provisions of the act, issue orders regulating such handling of certain agricultural commodities (including lemons) as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects interstate or foreign commerce in such commodities.

The Secretary, having reason to believe that the issuance of an order would tend to effectuate the declared policy of the act with respect to the establishment and maintenance of such orderly marketing conditions for lemons grown in the States of California and Arizona as would establish prices to the producers of such lemons at a level that would give such lemons a purchasing power with respect

CONTENTS THE PRESIDENT

Proclamation:	Page
Child Health Day—1941.....	1833

RULES, REGULATIONS, ORDERS

TITLE 7—AGRICULTURE:	
Surplus Marketing Administration:	
California and Arizona, handling of lemons.....	1833
TITLE 16—COMMERCIAL PRACTICES:	
Federal Trade Commission:	
Cease and desist orders:	
Air Conditioning Training Corp., et al.....	1840
Zeen Chemical Co.....	1839
TITLE 24—HOUSING CREDIT:	
Federal Savings and Loan System:	
Federal savings and loan associations, annual statements to members.....	1841
TITLE 49 — TRANSPORTATION AND RAILROADS:	
Interstate Commerce Commission:	
Transportation of explosives, etc.....	1841

NOTICES

Department of Agriculture:	
Office of the Secretary:	
California and Arizona, handling of lemons.....	1853
Department of Commerce:	
Civil Aeronautics Authority:	
Air Traffic Conference of America, oral argument postponed.....	1853
Department of the Interior:	
Bituminous Coal Division:	
Consumers' Counsel Division, hearing.....	1851
Hearings postponed:	
Barrow, Elbert.....	1852
Bashan, Joyce.....	1852
Fields, D. B.....	1852
Gamblin, Etna.....	1853
Hancock, Posey.....	1852
Johnson & Chatman.....	1852

(Continued on next page)



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CONTENTS—Continued

Department of the Interior—Con.	
Bituminous Coal Division—Con.	
Hearings postponed—Con.	Page
Moore, B. D. (2 documents).....	1853
Nation, John.....	1853
Penrod, O. C.....	1852
Scaif, Emory.....	1852
Smith, Hiram N.....	1852
Smith, W. R.....	1853
Swentner, Wolf.....	1852
Rush Run Coal Co., memorandum opinion, etc.....	1850
Department of Labor:	
Wage and Hour Division:	
Resignations and appointments, industry committees:	
Single pants, shirts, and allied garments industry.....	1853
Puerto Rico.....	1854
Federal Communications Commission:	
Hearings:	
Cumberland Broadcasting Co. (2 documents).....	1854
Drohlich, Albert S. and Robert A. (KDRO).....	1855
Hopkins, James F.....	1854
WDAS Broadcasting Station, Inc.....	1855
Federal Power Commission:	
Utah Power & Light Co., hearing, etc.....	1855
War Department:	
Contract summaries:	
Borg-Warner Corp. (Ingersoll Steel & Disc Division).....	1849
Diamond T Motor Car Co.....	1848
National Malleable and Steel Castings Co.....	1850
Reeves Brothers, Inc.....	1849
Stevens, J. P., & Co., Inc.....	1848
Yellow Truck & Coach Mfg. Co.....	1848
Yugoslavia, restrictions on property transactions, amendment.....	1848

to articles that the producers thereof buy equivalent to the purchasing power of such lemons during the base period, August 1919–July 1929, conducted a public hearing at Los Angeles, California, on October 21, 1940, pursuant to due notice given to all interested parties on October 3, 1940, on a proposed order regulating such handling of such lemons as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects such commerce in such lemons, at which hearing all interested persons in attendance were afforded due opportunity to be heard concerning the proposed order.

In accordance with the provisions of the act, it has been found and proclaimed that the purchasing power of lemons grown in the States of California and Arizona during the period August 1909–July 1914 cannot be satisfactorily determined from available statistics of the Department of Agriculture, but that the purchasing power of such lemons can be satisfactorily determined from available statistics of the Department of Agriculture for the period August 1919–July 1929, and that the period August 1919–July 1929 is the base period to be used in connection with this order in determining the purchasing power of such lemons.

Upon the basis of the evidence introduced at the hearing and the record thereof, it is hereby found:

(1) That the terms and provisions of this order prescribe, so far as practicable, such different terms, applicable to different production areas, as are necessary to give due recognition to the differences in production and marketing of such lemons;

(2) That this order is limited in its application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act, and that the issuance of several orders applicable to any subdivision of such regional production area would not effectively carry out the declared policy of the act; and

(3) That this order and all the terms and conditions thereof will tend to effectuate the declared policy of the act with respect to lemons grown in the States of California and Arizona by establishing and maintaining such orderly marketing conditions therefor as will establish prices to the producers thereof at a level that will give such lemons a purchasing power with respect to articles that the producers thereof buy equivalent to the purchasing power of such lemons in the base period, and by protecting the interest of the consumer by (a) approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and by (b) authorizing no action which

has for its purpose the maintenance of prices to producers of such lemons above the level which it is declared in the act to be the policy of Congress to establish.

It is further found:

(1) That a marketing agreement regulating the handling of lemons grown in the States of California and Arizona, executed on the 5th day of April 1941, upon which a hearing was held on October 21, 1940, was signed by handlers (excluding cooperative associations of producers who were not engaged in processing, distributing, or shipping the lemons covered by this order) who, during the period November 1, 1939–October 31, 1940, handled not less than eighty (80) percent of the volume of such lemons covered by this order;

(2) That this order regulates the handling of such lemons in the same manner as the aforesaid marketing agreement, and that it is made applicable only to persons in the respective classes of industrial and commercial activity specified in the said marketing agreement;

(3) That the issuance of this order is favored by producers who, during the period of November 1, 1939, to October 31, 1940, both dates inclusive (which is hereby determined to be a representative period), produced for market within the States of California and Arizona at least two-thirds ($\frac{2}{3}$) of the volume of lemons produced for market within such production area within the said period; and

(4) That the issuance of this order is favored by three-fourths ($\frac{3}{4}$) of the producers who, during the aforesaid representative period of November 1, 1939, to October 31, 1940, have been engaged, within the States of California and Arizona, in the production for market of lemons.

It is, therefore, ordered, That such handling of lemons grown in the States of California and Arizona as is in the current of commerce between the State of California and any point outside thereof in the United States or in Canada, or between the State of Arizona and any point outside thereof in the United States or in Canada, from and after the date hereinafter specified, shall be in conformity to and in compliance with the terms and conditions of this order.

§ 953.1 *Definitions.* As used herein, the following terms have the following meanings:

(a) "Secretary" means the Secretary of Agriculture of the United States of America.

(b) "Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 (50 Stat. 246 (1937), 7 U.S.C. sec. 601 et seq., Supp. V, 1939), as amended.

(c) "Person" means an individual, partnership, corporation, association, legal representative, or any organized group of individuals.

(d) "Lemons" means all varieties of lemons grown in the State of California or in the State of Arizona.

(e) "Grower" and "producer" are synonymous and mean any person who produces lemons for market.

(f) "Handler" means any person (except a common carrier of lemons owned by another person) who handles lemons in fresh form.

(g) "Handle" means to transport, ship, sell, or in any other way to place lemons in the current of commerce between the State of California and any point outside thereof in the United States or in Canada, or between the State of Arizona and any point outside thereof in the United States or in Canada.

(h) "Carload" means a quantity of lemons equivalent to 406 packed boxes of lemons.

(i) "Box" means a standard lemon box which has inside dimensions of 10 inches in depth, 13 inches in width, and 25½ inches in length.

(j) "Season" and "fiscal year" are synonymous and mean the twelve-month period beginning on November 1 of each year and ending October 31 of the following year.

(k) "Committee" means the Lemon Administrative Committee established pursuant to § 953.2.

(l) "Available lemons" means all lemons available for current shipment, as determined pursuant to § 953.4 (d).

(m) "Central marketing organization" means any organization which markets the lemons for more than one handler pursuant to a written contract between such organization and each such handler.*

*§§ 953.1 to 953.16, inclusive, issued under the authority contained in 48 Stat. 31 (1933), 7 U.S.C. § 601 et seq. (1934); 49 Stat. 750 (1935); 50 Stat. 246 (1937), 7 U.S.C. § 601 et seq. (Supp. V, 1939).

§ 953.2 *Administrative body—(a) Establishment and membership.* A Lemon Administrative Committee, consisting of six members, is hereby established. For each member of the committee there shall be an alternate member who shall have the same qualifications as the member.

(b) *Term of office.* The initial members and alternate members shall hold office for a term beginning on the date designated by the Secretary and ending October 31, 1942, or until their successors are selected and have qualified. Thereafter, the term of office of members and alternate members shall begin on the first day of November and continue for two years or until their successors are selected and have qualified. The Secretary may, by order issued not later than September 1 of any year, direct that the term of office of the members and alternate members then serving shall expire on October 31 following the date of such order, or as soon thereafter as their respective successors are selected and have qualified.

(c) *Nominations.* (1) Any cooperative marketing organization, or the growers affiliated therewith, as may be provided pursuant to paragraph (c) (5) of this section, which marketed more than sixty percent of the total volume of lemons marketed in fresh form, during the fiscal year which ends on the date nearest to the date on which nominations for members and alternate members of the committee are to be submitted, shall nominate not less than six growers for three members and six growers for three alternate members of the committee.

(2) All cooperative marketing organizations which are not qualified under paragraph (c) (1) of this section, or the growers affiliated therewith, as may be provided pursuant to paragraph (c) (5) of this section, shall nominate not less than two growers for a member and two growers for an alternate member of the committee.

(3) All lemon growers who are not included under paragraph (c) (1) or (c) (2) of this section shall nominate not less than two growers for a member and two growers for an alternate member of the committee.

(4) When voting for nominees, each grower shall be entitled to cast one vote, which vote shall be cast on behalf of himself, his agents, subsidiaries, affiliates, and representatives.

(5) The time, method, and manner of nominating members and alternate members of the committee shall be prescribed by the Secretary.

(6) Nominations for the initial members and alternate members of the committee may be made prior to, and, in any event, shall be submitted to the Secretary not later than fifteen days after, the effective date hereof. Nominations for successors to the initial members and alternate members of the committee shall be submitted to the Secretary not later than fifteen days preceding the date of expiration of the terms of the members and alternate members.

(7) The five members of the committee selected by the Secretary pursuant to paragraph (d) (1) of this section, shall meet upon a date designated by the Secretary and, by a concurring vote of at least four members, shall nominate two persons for a member and two persons for an alternate member of the committee, which persons shall not be growers or handlers, or employees or agents of a grower or a handler, or in any other way associated directly with the lemon industry.

(d) *Selection.* (1) From the nominations submitted pursuant to paragraph (c) (1) of this section, the Secretary shall select three members and three alternate members of the committee. From the nominations submitted pursuant to paragraphs (c) (2) and (c) (3) of this section, the Secretary shall select one member and one alternate member of the committee from each of the groups of nominations.

(2) From the nominations made pursuant to paragraph (c) (7) of this section, the Secretary shall select one member and one alternate member of the committee.

(e) *Failure to nominate.* In the event nominations are not made pursuant to, and within the time specified in, this section, the Secretary may select the members and alternate members of the committee, without regard to nominations, which selection shall be made on the basis of the representation provided for herein.

(f) *Acceptance.* Any person selected by the Secretary as a member or as an alternate member of the committee shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

(g) *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate member of the committee to qualify, or in the event of the death, removal, resignation, or disqualification of any qualified member or alternate member, a successor for his unexpired term shall be selected by the Secretary from nominations made in the manner specified in this section. If the names of nominees to fill any such vacancy are not made available to the Secretary within fifteen days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of the representation provided for herein.

(h) *Alternate members.* An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate, during such member's absence, unless such member has designated another alternate member, who has been nominated by the same group which nominated the member; in which event, the alternate member so designated shall serve in the absence of the member who designated him. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor of such member is selected and has qualified.

(i) *Procedure.* (1) A majority of the committee shall constitute a quorum, and any action of the committee shall require four concurring votes.

(2) The committee may provide for voting by telegraph, telephone, or other means of communication; and any such vote so cast shall be confirmed promptly in writing.

(j) *Expenses and compensation.* The members of the committee, and their respective alternates when acting as members, shall be reimbursed for expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers hereunder, and shall receive compensation at a rate to be determined by the committee, which rate shall not exceed \$5.00 for each day, or portion thereof, spent in attending meetings of the committee.

(k) *Powers.* The committee shall have the following powers: (1) to administer the provisions hereof in accordance with its terms;

(2) To make rules and regulations to effectuate the terms and provisions, hereof;

(3) To receive, investigate, and report to the Secretary complaints of violations of the provisions hereof; and

(4) To recommend to the Secretary amendments hereto.

(1) *Duties.* It shall be the duty of the committee: (1) To act as intermediary between the Secretary and any grower or handler;

(2) To keep minutes, books, and records which will clearly reflect all of the acts and transactions of the committee, including all transactions and operations pursuant to § 953.4. Such minutes, books, and records shall be subject to examination at any time by the Secretary;

(3) To investigate the growing, shipping, and marketing conditions with respect to lemons, and to assemble data in connection therewith;

(4) To furnish to the Secretary such available information as he may request;

(5) To select a chairman and such other officers as may be necessary, and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(6) At the beginning of each fiscal year, to submit to the Secretary a budget of its expenses for such fiscal year, together with a report thereon;

(7) To cause the books of the committee to be audited by a competent accountant at least once each fiscal year, and at such other time as the committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant hereto, and a copy of each such report shall be furnished to the Secretary;

(8) To appoint such employees, agents, and representatives as it may deem necessary, and to determine the salaries and define the duties of such persons;

(9) Subject to the continuing right of the Secretary to take such other action as may be necessary, to appear in and defend any legal proceeding against the committee, its members, or alternate members (whether any such proceeding is against them as individuals or as members or alternate members of the committee), or any officers or employees of such committee, arising out of the exercise of their powers or the performance of their duties pursuant to the provisions hereof; and the action of the committee in connection with any such defense shall be binding upon all the members and alternate members of the committee; and

(10) To perform such duties as may be assigned to it by the Secretary in connection with the administration of section 32 of the Act to amend the Agricultural Adjustment Act, and for other

purposes, Public Act No. 320, 74th Congress (August 24, 1935), as amended.

(m) *Obligation.* Upon the removal or expiration of the term of office of any member of the committee, such member shall account for all receipts and disbursements and deliver all property and funds, together with all books and records, in his possession, to his successor in office, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor full title to all of the property, funds, and claims vested in such member pursuant hereto.*

§ 953.3 Expenses and assessments—

(a) *Expenses.* The committee is authorized to incur such expenses as the Secretary finds may be necessary to carry out the functions of the committee pursuant to the provisions hereof during each fiscal year. The funds to cover such expenses shall be acquired by levying assessments as hereinafter provided.

(b) *Assessments.* (1) Each handler who first handles lemons shall, with respect to the lemons so handled by him, pay to the committee, upon demand, such handler's pro rata share of the expenses which the Secretary finds will be necessarily incurred by the committee for its maintenance and functioning during each fiscal year. Such handler's pro rata share of such expenses shall be equal to the ratio between the total quantity of lemons handled by him as the first handler thereof, during the applicable fiscal year, and the total quantity of lemons handled by all handlers as the first handlers thereof, during the same fiscal year. The Secretary shall fix the rate of assessment to be paid by such handlers.

(2) At any time during or after a fiscal year, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses of the committee. Such increase shall be applicable to all lemons handled during the given fiscal year. In order to provide funds to carry out the functions of the committee, handlers may make advance payment of assessments.

(c) *Accounting.* (1) If, at the end of a fiscal year, it shall appear that assessments collected are in excess of expenses incurred, each handler entitled to a proportionate refund of the excess assessments shall be credited with such refund against the operations of the following fiscal year. If any handler ceases to handle lemons he may demand payment of such refund, in which case such sum shall be paid to him.

(2) The committee may, with the approval of the Secretary, maintain in its own name or in the name of its members, a suit against any handler for the collection of such handler's pro rata share of the expenses of the committee.

(d) *Funds.* All funds received by the committee pursuant to any provisions hereof shall be used solely for the purposes herein specified and shall be ac-

counted for in the manner herein provided. The Secretary may, at any time, require the committee and its members to account for all receipts and disbursements.*

§ 953.4 Regulation—(a) *Marketing policy.* At the beginning of each fiscal year, the committee shall prepare and submit to the Secretary a report setting forth its proposed policy for the marketing of lemons during such fiscal year. In the event it becomes advisable to deviate from such marketing policy, because of changed demand and supply conditions, the committee shall formulate a new marketing policy and shall submit a report thereon to the Secretary. The committee shall notify handlers of the contents of such reports.

(b) Recommendations for regulation.

(1) It shall be the duty of the committee to investigate the supply and demand conditions for lemons. Whenever the committee finds that such conditions make it advisable to regulate, pursuant to this section, the handling of lemons during any week of the fiscal year, it shall recommend to the Secretary the quantity of lemons which it deems advisable to be handled during such week. Thereafter, the committee shall promptly report such findings and recommendations, together with supporting information, to the Secretary.

(2) In making such recommendations, the committee shall give due consideration to the following factors: (i) quantity of lemons in storage; (ii) lemons on hand in, and en route to, the principal markets; (iii) trend in consumer income; (iv) present and predicted weather conditions; (v) present and prospective prices of lemons; and (vi) other relevant factors.

(3) At any time during a week for which the Secretary, pursuant to paragraph (e) of this section, has fixed the quantity of lemons which may be handled during such week, the committee may, if it deems such action advisable because of unusual or unforeseen changes in the demand for lemons, recommend to the Secretary that such quantity be increased for such week. Any such recommendation, together with supporting information, shall be submitted promptly to the Secretary.

(c) *Issuance of regulations.* Whenever the Secretary shall find, from the recommendations and information submitted by the committee, or from other available information, that to limit the quantity of lemons which may be handled during a specified week will tend to effectuate the declared policy of the act, he shall fix such a quantity of lemons, which quantity may, at any time during such week, be increased by the Secretary. The committee shall be informed immediately of any such regulation issued by the Secretary and shall promptly give adequate notice thereof to handlers.

(d) *Prorate bases.* (1) As used in this section, "handler" means the person who is, or proposes to be, the person who

handles lemons as the first handler thereof; and each such handler shall submit to the committee, at such time as may be designated by it, a written application for a prorated base and for allotments, as provided herein.

(2) Whenever the committee proposes to make recommendations for regulation, pursuant to this section, it shall, with respect to each handler who has filed an application for a prorated base, compute the quantity of available lemons which, as of 12:01 a. m. on the Sunday nearest the date on which such computation is made, meets the requirements of marketing under applicable laws. Such computation shall be made every two weeks, beginning with a date in each fiscal year to be fixed by the committee, and continuing so long as such recommendations are proposed. In computing each handler's available lemons, the committee shall consider only such lemons as the handler owns or has contracted to buy, or has authority to market under a written contract.

(3) In computing the quantity of lemons which, for the applicable two-week period, each handler has available for current shipment, the committee shall compute the quantity of lemons which each handler has picked from the trees and has assembled at an established shipping point within the area of production.

(4) In the event any handler has lemons which he desires to market in other than fresh fruit channels, he may request the committee to compute the number of weeks that such lemons could be held in storage, under commercial storage conditions, and, at the expiration of such period, would meet the requirements for marketing under applicable laws. Any such lemons shall be in containers and shall be assembled at one or more of the central points which may be approved by the committee. If the said handler is satisfied with the committee's computation, he shall give the committee written notification thereof and shall dispose of such lemons in other than fresh fruit channels. The committee shall include such lemons as a part of the available lemons of such handler for the number of weeks computed, and such lemons shall not be included thereafter in any computation made pursuant to paragraph (d) (3) of this section.

(5) Any handler who submits evidence satisfactory to the committee that such handler has lemons available for current shipment during the applicable two-week period, but, because of unavailable facilities, the quantity of such lemons cannot be computed satisfactorily, pursuant to paragraph (d) (3) of this section, the committee shall compute, pursuant to uniform rules adopted by the committee and approved by the Secretary, the quantity of lemons which each such handler has available for current shipment during such period.

(6) The quantity of each handler's available lemons, as computed pursuant to this section, shall be reported by the

committee to the Secretary and shall constitute the recommendation of the committee as the quantity of lemons to be used by the Secretary in determining the prorated base for each such handler; *Provided*, That such quantity may be adjusted by (i) the deduction of any undershipments, as provided for in paragraph (g) of this section, or (ii) the addition of any overshipments, as provided for in paragraph (f) of this section, in the event any such handler makes an undershipment or an overshipment during the week preceding that in which such quantity was computed.

(7) Upon the basis of the recommendations and reports submitted by the committee, or other available information, the Secretary shall fix a prorated base for each handler who has made application therefor to the committee. Such prorated base shall represent the ratio between the quantity of each such handler's available lemons and the quantity of all such handler's available lemons, and shall be applicable for the two-week period immediately following the week in which it is fixed by the Secretary.

(8) During any two-week period in which a prorated base is effective for a handler, the committee may recommend to the Secretary that the prorated base of such handler be modified. In any such case, the committee shall submit a report to the Secretary showing the reasons therefor. Upon the basis of such recommendation and report, or other available information, the Secretary may modify the prorated base of any handler.

(9) The Secretary shall notify the committee of the prorated base fixed for each handler, and of any modifications thereof, and the committee shall give adequate notice to each handler of the prorated base fixed for him, or of any modification thereof.

(10) Any handler who has reason to believe that the computation made by the committee with respect to the quantity of such handler's available lemons is not accurate, may appeal to the Secretary for a recomputation thereof. Any such appeal shall be supported by evidence which shall show the inaccuracy of the committee's computation. Whenever a handler takes such an appeal to the Secretary, the handler shall, at the same time, notify the committee of such appeal and submit to the committee a copy of the evidence in support thereof. Upon receipt thereof, the committee shall immediately submit a report to the Secretary, setting forth the manner in which the quantity of the handler's available lemons was computed, and other data pertinent to a determination on the appeal.

(e) *Allotments*. Whenever the Secretary has fixed the total quantity of lemons which may be handled during any week, and has fixed the handler's prorated bases, the committee shall calculate the quantity of lemons which may be handled by each such handler during such week. The said quantity shall be

the allotment of each such handler and shall be in an amount equal to the product of the handler's prorated base and the total quantity of lemons fixed by the Secretary as the quantity which may be handled during such week. The committee shall give adequate notice to each handler of the allotment computed for him pursuant hereto.

(f) *Overshipments*. During any week for which the Secretary has fixed the quantity of lemons which may be handled, any handler (when not required to reduce the quantity of lemons which he may handle, as provided herein) may handle, in addition to his allotment, an amount of lemons equivalent to ten percent of said allotment, or one carload, whichever is greater. The quantity of lemons handled in excess of a handler's allotment (but not exceeding the quantity permitted to be handled, as provided herein) shall be deducted from his allotment for the next week in which the handling of lemons is regulated hereunder. If such allotment is in an amount less than such excess quantity of lemons permitted to be handled by a handler, such quantity handled in excess of his allotment shall be deducted from succeeding weekly allotments until such excess has been entirely offset.

(g) *Undershipments*. If a handler during any week handles a quantity of lemons less than his allotment for that week, such handler may, in addition to his allotment for the next succeeding week, handle only during such next succeeding week, a quantity of lemons equivalent to such undershipment.

(h) *Allotment loans*. (1) A handler for whom a prorated base has been established may lend allotments to other handlers: *Provided*, That such loans are evidenced by a bona fide written agreement, filed with the committee within 48 hours after the agreement has been entered into, under the terms of which such allotments are to be repaid during the current season.

(2) Allotments shall be loaned only during the week in which such allotments are issued and can be used by the borrower only during the week in which the loan is secured. Handlers securing repayment of allotment loans shall use such allotments only during the week in which the repayment is made.

(3) The committee may act as agent for handlers in arranging loans of allotments. In each such case, the committee shall confirm all such transactions by memoranda, addressed to the parties thereto, immediately after the completion thereof; and the signing and return of such memoranda by each such handler shall satisfy the requirements of paragraph (h) (1) of this section, with respect to bona fide agreements evidencing such loans.

(4) No allotment which has been loaned may again be loaned by the borrower, or by the lender after repayment thereof.

(i) *Transfer of allotments*. Allotments shall not be transferred except

upon the transfer of a quantity of lemons equal to the allotment which has been transferred.

(j) *Priority of allotments.* During any week in which a handler receives an allotment, and has the right to handle a quantity of lemons in addition to the quantity represented by his allotment, by reason of (1) an undershipment of lemons, pursuant to paragraph (g) of this section; or (2) a transferred allotment, pursuant to paragraph (i) of this section; or (3) the repayment of a loaned allotment, pursuant to paragraph (h) of this section; or (4) an assignment of an allotment, pursuant to paragraph (l) of this section; or (5) a borrowed allotment, pursuant to paragraph (h) of this section, and such handler handles a quantity of lemons which is less than the total quantity of lemons which such handler may handle during such week, the amount of lemons handled shall first apply to such handler's current weekly allotment (or to that portion thereof which is not used pursuant to paragraph (f), (h), (i), or (l) of this section), and the remainder, if any, shall be applied in the following order: first, to any undershipment of lemons, pursuant to paragraph (g) of this section; second, to any allotment repaid to him, pursuant to paragraph (h) of this section; third, to any allotment transferred to him, pursuant to paragraph (i) of this section; fourth, to any allotment assigned to him, pursuant to (l) of this section; and fifth, to any allotment borrowed, pursuant to paragraph (h) of this section.

(k) *Information to central marketing organizations.* (1) In order further to facilitate arranging allotment transactions pursuant to this section, the committee shall give any central marketing organization, upon its request, the same notice with respect to prorate bases and allotments, applicable to each handler for whom it markets lemons, as is given to such handlers.

(2) Any central marketing organization which, pursuant to paragraph (k) (1) of this section, receives information from the committee regarding prorate bases and allotments, applicable to handlers for whom it markets lemons, and which arranges allotment transactions for or on behalf of any of such handlers, shall keep records which will accurately reflect all such allotment transactions and such records shall be subject to examination by the committee and the Secretary. Any such central marketing organization shall make such reports and furnish such other information with respect thereto as may be required by the committee. If the Secretary finds that any such central marketing organization has failed to keep such records, or has assisted in effecting allotment transactions contrary to the provisions hereof, the provisions of paragraph (k) (1) of this section shall not be applicable to such central marketing organization during such period as may be determined by the Secretary. (1) *Assignment of allotments.* Any person who acquires lem-

ons to be handled by him, and who does not have a prorate base on such lemons, may handle such lemons pursuant to an assignment of an allotment from the handler from whom such lemons were acquired and to whom the allotment had been issued, which assigned allotment shall be equal to the quantity of lemons acquired by such person. Any such assignment shall be evidenced by a certificate which shall be in such form, and issued in such manner, as shall be prescribed by the committee.*

§ 953.5 *Lemons not subject to regulation.* Nothing contained herein shall be construed to authorize any limitation of the right of any person to handle lemons (a) for consumption by charitable institutions or distribution by relief agencies; (b) for conversion into by-products; or (c) for export to foreign countries other than Canada; nor shall any assessment be levied on lemons so handled. The committee may prescribe adequate safeguards to prevent lemons handled for the purposes designated under paragraphs (a) and (b) above, from entering commercial fresh fruit channels of trade contrary to the provisions hereof. The term "by-product" as used herein includes all processed and manufactured products of lemons, including canned or bottled lemon juice.*

§ 953.6 *Reports—(a) Weekly report.* On or before such day of each week as may be designated by the committee, each handler shall report to the committee, on forms prepared by it, the following information with respect to lemons marketed by such handler during the immediately preceding week: (1) quantity handled; (2) quantity shipped for distribution to persons on relief, including quantity donated for charitable purposes; (3) quantity sold or transported for consumption in fresh form in California or Arizona; (4) quantity sold or otherwise disposed of for canning or for manufacture into by-products; and (5) quantity disposed of otherwise.

(b) *Other reports.* Upon request of the committee, made with the approval of the Secretary, every handler shall furnish to the committee, in such manner and at such times as it prescribes (in addition to such other reports as are specifically provided for herein), such other information as will enable the committee to perform its duties and to exercise its powers hereunder.*

§ 953.7 *Compliance.* Except as provided herein, no handler shall handle lemons, during any week in which a regulation issued by the Secretary, pursuant to § 953.4, is in effect, unless such handler has an allotment, or an assignment of an allotment, covering such lemons, issued pursuant hereto, or unless such handler is otherwise permitted to handle such lemons, under the provisions hereof; and no handler shall handle lemons except in conformity to the provisions hereof.*

§ 953.8 *Right of the Secretary.* The members of the committee (including successors and alternates), and any

agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary. In the event the committee, for any reason, fails to perform its duties or exercise its powers hereunder, the Secretary may designate another agency to perform such duties and to exercise such powers.*

§ 953.9 *Effective time and termination—(a) Effective time.* The provisions hereof shall become effective at such time as the Secretary may declare above his signature attached hereto, and shall continue in force until terminated in one of the ways hereinafter specified.

(b) *Termination.* (1) The Secretary may, at any time, terminate the provisions hereof by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(2) The Secretary may terminate or suspend the operation of any or all of the provisions hereof whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(3) The Secretary shall terminate the provisions hereof at the end of any fiscal year whenever he finds that such termination is favored by a majority of producers who, during the preceding fiscal year, have been engaged in the production for market of lemons: *Provided*, That such majority has, during such year, produced for market more than fifty percent of the volume of such lemons produced for market; but such termination shall be effected only if announced on or before October 31 of the then current fiscal year.

(4) The provisions hereof shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

(c) *Proceedings after termination.*

(1) Upon the termination of the provisions hereof, the then functioning members of the committee shall continue as trustees, for the purpose of liquidating the affairs of the committee, of all the funds and property then in the possession of or under control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(2) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the

committee and of the trustees, to such person as the Secretary may direct; and shall, upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant hereto.

(3) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.*

§ 953.10 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination hereof or of any regulation issued pursuant hereto, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision hereof or any regulation issued hereunder, or (b) release or extinguish any violation hereof or of any regulation issued hereunder, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.*

§ 953.11 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue hereof shall cease upon the termination hereof, except with respect to acts done under and during the existence hereof.*

§ 953.12 *Agents.* The Secretary may, by designation in writing, name any person, including any officer or employee of the Government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions hereof.*

§ 953.13 *Derogation.* Nothing contained herein is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.*

§ 953.14 *Personal liability.* No member or alternate of the committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, or employee, except for acts of dishonesty.*

§ 953.15 *Separability.* If any provision hereof is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder hereof, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.*

§ 953.16 *Amendments.* Amendments hereto may be proposed, from time to time, by the committee or by the Secretary.*

In witness whereof, the undersigned, acting under the provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, for the purposes and within the limitations therein contained and not otherwise, does hereby execute and issue in duplicate this order under his hand and the official seal of the Department of Agriculture, in the city of Washington, District of Columbia, on this 5th day of April 1941, and declares this order to be effective on and after 12:01 a. m., p. s. t., April 10, 1941.

[SEAL]

CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 41-2545; Filed, April 7, 1941;
2:50 p. m.]

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 3995]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF ZEEN CHEMICAL COMPANY

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.66 (h) *Misbranding or mislabeling—Qualities or properties:* § 3.66 (j10) *Misbranding or mislabeling—Results.* Representing, through circulars, catalogs, labels or in any other form of printed matter, or in any other way, in connection with offer, etc., in commerce, of respondent's "Zeem Dry Cleaner" under that or any other name or designation, among other things, as in order set forth, that Zeem Dry Cleaner will reach deep-seated infestations of moths, unless directions accompany such representation which will enable the user to bring the preparation in contact with the moths; or that Zeem Dry Cleaner will moth-proof fabrics or materials; or that said product will de-moth materials in upholstery or rugs, unless such representation is accompanied by the explanation that such result is of temporary duration only and must be repeated at proper intervals; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Zeem Chemical Company, Docket 3995, March 26, 1941]

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y) *Advertising falsely or misleadingly—Safety:* § 3.6 (dd10) *Advertising falsely or misleadingly—Success, use or standing.*

Representing, through circulars, catalogs, labels or in any other form of printed matter, or in any other way, in connection with offer, etc., in commerce, of respondent's "Zeem Dry Cleaner" under that or any other name or designation, among other things, as in order set forth, that Zeem Dry Cleaner cleans and removes all types of spots, stains and all foreign matter; or that it is non-explosive, except that respondent is not hereby prohibited from representing that said product is non-explosive if kept away from fire or flame; or that it is used exclusively by leading furniture and department stores everywhere; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Zeem Chemical Company, Docket 3995, March 26, 1941]

In the Matter of David H. Goldman, an Individual Trading as Zeem Chemical Company

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 26th day of March, A. D. 1941.

This proceeding having been heard¹ by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent, and a stipulation as to the facts entered into by the respondent herein and W. T. Kelley, Chief Counsel for the Commission, which provides, among other things, that without further evidence or other intervening procedure, the Commission may issue and serve upon the respondent herein findings as to the facts and conclusion based thereon and an order disposing of the proceeding, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, David H. Goldman, an individual trading as Zeem Chemical Company, his representatives, servants, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of his product "Zeem Dry Cleaner" under that or any other name or designation, in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Representing, through circulars, catalogs, labels or in any other form of printed matter, or in any other way:

1. That Zeem Dry Cleaner will reach deep-seated infestations of moths, unless directions accompany such representation which will enable the user to bring the preparation in contact with the moths;

2. That Zeem Dry Cleaner will moth-proof fabrics or materials;

3. That Zeem Dry Cleaner will de-moth materials in upholstery or rugs, unless

¹ 5 F.R. 1425.

such representation be accompanied by the explanation that such result is of temporary duration only and must be repeated at proper intervals;

4. That Zeen Dry Cleaner cleans and removes all types of spots, stains and all foreign matter;

5. That Zeen Dry Cleaner is non-explosive, except that respondent is not hereby prohibited from representing that Zeen Dry Cleaner is non-explosive if kept away from fire or flame;

6. That Zeen Dry Cleaner is used exclusively by leading furniture and department stores everywhere.

It is further ordered, That the respondent shall, within sixty (60) days after the service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-2584; Filed, April 8, 1941;
11:56 a. m.]

[Docket No. 4182]

PART 3—DIGEST OF CEASE AND DESIST
ORDERS

IN THE MATTER OF AIR CONDITIONING TRAIN-
ING CORPORATION, ET AL.

§ 3.6 (f) *Advertising falsely or misleadingly—Demand or business opportunities:* § 3.6 (m) *Advertising falsely or misleadingly—Jobs and employment service:* § 3.6 (y10) *Advertising falsely or misleadingly—Scientific or other relevant facts:* § 3.6 (ee) *Advertising falsely or misleadingly—Terms and conditions:* § 3.6 (ff5) *Advertising falsely or misleadingly—Undertakings, in general:* § 3.72 (g) *Offering deceptive inducements to purchase—Job guarantee:* § 3.72 (n10) *Offering deceptive inducements to purchase—Terms and conditions:* § 3.72 (p) *Offering deceptive inducements to purchase—Undertakings, in general.* Representing, directly or by implication, in connection with offer, etc., in commerce, of courses of study and instruction in air conditioning and refrigeration conducted in whole or in part by correspondence, among other things, as in order set forth, that students who complete said courses of training are assured of employment in the Air Conditioning and Refrigeration Industry or that jobs are guaranteed to such students or that respondents will secure such employment for said students, or that large numbers of vacancies which are available to said students who complete said training exist in the Air Conditioning and Refrigeration Industry, or that there is an unusual demand for men in said Industry or that such demand cannot be satisfied through the usual channels, prohibited. (Sec. 5, 38 Stat.

719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Air Conditioning Training Corporation, et al., Docket 4182, March 27, 1941]

§ 3.6 (a) 3) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Business connections or arrangements with others:* § 3.6 (j10) *Advertising falsely or misleadingly—History of product or offering:* § 3.6 (1) *Advertising falsely or misleadingly—Indorsements and testimonials:* § 3.6 (m) *Advertising falsely or misleadingly—Jobs and employment service:* § 3.18 *Claiming indorsements or testimonials falsely:* § 3.72 (g) *Offering deceptive inducements to purchase—Job guarantee.* Representing, directly or by implication, in connection with offer, etc., in commerce, of courses of study and instruction in air conditioning and refrigeration conducted in whole or in part by correspondence, among other things as in order set forth, that said courses of study and instruction are given with the cooperation of the Air Conditioning and Refrigeration Industry, or that said industry has designated respondents to train men for employment therein, or that such training is sponsored by such industry, or that members of such industry have any arrangements with respondents for furnishing employment to students who finish said training, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Air Conditioning Training Corporation, et al., Docket 4182, March 27, 1941]

§ 3.6 (a) 1) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Authorities and personages connected with:* § 3.6 (a) 20) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Personnel or staff:* § 3.6 (j10) *Advertising falsely or misleadingly—History of product or offering.* Representing, directly or by implication, in connection with offer, etc., in commerce, of courses of study and instruction in air conditioning and refrigeration conducted in whole or in part by correspondence, among other things, as in order set forth, that members of the Air Conditioning and Refrigeration Industry formulated or assisted in the formulation of said courses of study and actively participated in the conduct of the school, or that respondents' salesmen are vocational directors or experts in vocational guidance engaged in selecting men of special qualifications for training in the Air Conditioning and Refrigeration Industry, or are anything other than salesmen, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Air Conditioning Training Corporation, et al., Docket 4182, March 27, 1941]

§ 3.6 (f) *Advertising falsely or misleadingly—Demand or business opportunities:* § 3.6 (g) *Advertising falsely or misleadingly—Earnings:* § 3.6 (m) *Advertising falsely or misleadingly—Jobs and employment service:* § 3.69 (b) 2) *Misrepresenting oneself and goods—Goods—Demand for or business opportunities:* § 3.69 (b) 2.5) *Misrepresenting oneself and goods—Goods—Earnings:* § 3.69 (b) 7.3) *Misrepresenting oneself and goods—Goods—Jobs and employment:* § 3.72 (c) *Offering deceptive inducements to purchase—Excessive earnings:* § 3.72 (g) *Offering deceptive inducements to purchase—Job guarantee.* Representing, directly or by implication, in connection with offer, etc., in commerce, of courses of study and instruction in air conditioning and refrigeration conducted in whole or in part by correspondence, among other things, as in order set forth, that part-time work in servicing air-conditioning and refrigeration equipment is available to students while pursuing said courses of study and that said students are qualified for such work; or that starting wages for respondents' graduates are higher than the wages customarily paid to beginners or apprentices in said industry; or that any persons other than those with previous mechanical experience or who have demonstrated an aptitude for mechanics are qualified to pursue respondents' course of study and occupy positions in the Air Conditioning and Refrigeration Industry, requiring technical skill and scientific knowledge; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Air Conditioning Training Corporation, et al., Docket 4182, March 27, 1941]

§ 3.6 (a) 21) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Plant and equipment:* § 3.69 (a) 14) *Misrepresenting oneself and goods—Business status, advantages or connections—Size or equipment:* § 3.69 (b) 16.4) *Misrepresenting oneself and goods—Goods—Terms and conditions:* § 3.72 (n10) *Offering deceptive inducements to purchase—Terms and conditions.* Representing, directly or by implication, in connection with offer, etc., in commerce, of courses of study and instruction in air conditioning and refrigeration conducted in whole or in part by correspondence, among other things, as in order set forth, that the tuition fee is less than the amount stated in respondents' contract or that there are no charges other than the cost of tuition or that students may take the laboratory training without completion of the tuition payments; or that the laboratory or shop equipment is of greater extent and more comprehensive than it is in fact; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Air Con-

ditioning Training Corporation, et al., Docket 4182, March 27, 1941]

In the Matter of Air Conditioning Training Corporation, a Corporation; and Benjamin M. Klekner, Morris A. Gluck, and Leon J. Knight, Individually, and as Officers of Air Conditioning Training Corporation

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 27th day of March, A. D. 1941.

This proceeding having been heard¹ by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence in support of the allegations of the complaint, the filing of briefs and oral arguments having been waived, and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondents, Air Conditioning Training Corporation, a corporation, and its officers, and Benjamin M. Klekner, Morris A. Gluck, and Leon J. Knight, individually, and as officers of Air Conditioning Training Corporation, their respective representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce as commerce is defined in the Federal Trade Commission Act of courses of study and instruction in the subjects of air conditioning and refrigeration which are conducted in whole or in part by correspondence do forthwith cease and desist from representing directly or by implication:

(1) That students who complete said courses of training are assured of employment in the Air Conditioning and Refrigeration Industry or that jobs are guaranteed to such students or that respondents will secure such employment for said students.

(2) That said courses of study and instruction are given with the cooperation of the Air Conditioning and Refrigeration Industry or that said industry has designated respondents to train men for employment therein or that such training is sponsored by such industry or that members of such industry have any arrangements with respondents for furnishing employment to students who finish said training;

(3) That large numbers of vacancies which are available to said students who complete said training exist in the Air Conditioning and Refrigeration Industry or that there is an unusual demand for men in said industry or that such demand cannot be satisfied through the usual channels;

(4) That members of the Air Conditioning and Refrigeration Industry for-

mulated or assisted in the formulation of said courses of study and actively participated in the conduct of the school;

(5) That respondents' salesmen are vocational directors or experts in vocational guidance engaged in selecting men of special qualifications for training in the Air Conditioning and Refrigeration Industry or are anything other than salesmen;

(6) That part-time work in servicing air conditioning and refrigeration equipment is available to students while pursuing said courses of study and that said students are qualified for such work;

(7) That starting wages for respondents' graduates are higher than the wages customarily paid to beginners or apprentices in said industry;

(8) That any persons other than those with previous mechanical experience or who have demonstrated an aptitude for mechanics are qualified to pursue respondents' course of study and occupy positions in the Air Conditioning and Refrigeration Industry requiring technical skill and scientific knowledge;

(9) That the tuition fee is less than the amount stated in respondents' contract or that there are no charges other than the cost of tuition or that students may take the laboratory training without completion of the tuition payments;

(10) That the laboratory or shop equipment is of greater extent and more comprehensive than it is in fact.

It is further ordered, That the respondents shall within sixty (60) days after service upon them of this order file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-2585; Filed, April 8, 1941;
11:56 a. m.]

TITLE 24—HOUSING CREDIT

CHAPTER II—FEDERAL SAVINGS AND LOAN SYSTEM

PART 203—OPERATION

AMENDMENT REQUIRING ANNUAL STATEMENTS OF CONDITION OF FEDERAL SAVINGS AND LOAN ASSOCIATIONS TO BE MADE AVAILABLE TO MEMBERS

Amending Part 203 of Chapter II, Title 24 of the Code of Federal Regulations.

Whereas notice was given pursuant to § 201.2 of the Rules and Regulations for the Federal Savings and Loan System of a proposal to amend § 203.5 of said rules and regulations; and

Whereas this Board hereby determines to adopt said proposed amendment in the form proposed with certain changes of a minor nature,

Be it resolved, That, effective April 7, 1941, § 203.5 of the Rules and Regulations for the Federal Savings and Loan System is hereby amended by inserting immediately following the last sentence thereof, the following:

§ 203.5 Forms and reports. * * *

Within the month of January of each year, a copy of a statement of condition of each Federal association, as of December 31, immediately preceding, in form prescribed by the Board shall either be mailed to each of the association's members at his last address appearing on the association's books, or published in a newspaper printed in the English language and of general circulation in the county in which the association's home office is located: *Provided, however*, That said statement may be in greater detail and may omit such items as are inapplicable. Within five days after the statement has been so mailed or published a statement signed by an executive officer of the association, certifying that the statement has been so mailed or published, together with a copy of the statement of condition, shall be transmitted to the Governor of the Federal Home Loan Bank System, Washington, D. C., and to the President of the Federal Home Loan Bank of which the association is a member. (Sec. 5 (a) of H.O.L.A. of 1933, 48 Stat. 132; 12 U.S.C. 1464 (a))

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 41-2546; Filed, April 7, 1941;
2:56 p. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

CHAPTER I—INTERSTATE COMMERCE COMMISSION

[Order No. 3666¹]

IN THE MATTER OF REGULATIONS FOR TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Present: J. M. Johnson, Commissioner, to whom the above entitled matter has been assigned for action thereon.

Regulations for the transportation of explosives and other dangerous articles by rail in freight, express, and baggage services, and by water and highway, being under further consideration:

And it appearing, That upon applications made by interested parties, certain proposed new and amended regulations should be established pursuant to section 233 of the Criminal Code (Transportation of Explosives Act), and section 204 (a) of Part II of the Interstate Commerce Act, and upon investigations had are found to be in accord with the best-known practicable means for securing safety in transit, covering the packing, marking, loading, handling while in

¹ This order embraces ex parte No. MC-13, Motor Carrier Safety Regulations.

transit, and the precautions necessary to determine whether the material when offered is in proper condition to transport:

It is ordered, That the aforesaid regulations as heretofore published in orders of April 1, August 16, and December 18, 1940, be and they are hereby superseded and amended as follows:

Title page and order, page III, corrected so as to refer to order of November 5, 1921. (Order repeated for information in appendix.)

PART 1—GENERAL INFORMATION AND REGULATIONS

Superseding and amending section I, order Aug. 16, 1940, to read as follows:

I. VESSELS STORES

Vessels stores are regulated by the regulations of the Secretary of Commerce, effective April 9, 1941, and are not included herein.

Superseding and amending section M, order Aug. 16, 1940, to read as follows, effective upon publication of this order:

M. EXPORT SHIPMENTS VIA DOMESTIC CARRIERS BY RAIL AND MOTOR VEHICLE

Explosives and other dangerous articles authorized to be exported from the United States when packed, marked, la-

beled, and described, in accordance with rules and regulations in force at destination ports, must not be offered to any common carrier by rail or motor vehicle for domestic transportation unless in full accordance with the regulations herein.

PART 2—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Superseding and amending section 2, order Aug. 16, 1940, to read as follows (articles not named):

2. For an article not described by name shown in this commodity list, when such article is classified as a dangerous article by section 100, 150, 151, 240, 300, 326, 336, 350, or 362, the article must be prepared and offered for shipment in compliance with the regulations for the group within which it is properly classified.

Superseding and amending items, section 4, order Aug. 16, 1940, as follows (explanation of signs and abbreviations):

(Add) N. o. s.: Means not otherwise specified.

(Change) Pois. C: Tear Gas, Class C.

List of explosives and other dangerous articles

Superseding and amending list, order Aug. 16, 1940, as follows:

Article	Class	Packing (sec.)	Label	Quantity one package, rail express
(Add) Amyl chloride	Inf. L.	103, 110	Red	10 gallons.
(Change) *Automobiles, motorcycles, tractors, or other self-propelled vehicles with charged electric storage batteries	Cor. L.	250	None	No limit.
(Change) Batteries, electric storage, wet, with automobiles or auto parts.	do.	250, 260	White	Do.
(Change) Caustic potash, liquid	do.	244, 249	do	10 gallons.
(Change) Caustic soda, liquid	do.	244, 249	do	Do.
(Change) Chromic acid solution	do.	244, 246, 254A	do	1 gallon.
(Add) Diethylamine	Inf. L.	103, 110	Red	10 gallons.
(Change) Fireworks	Expl. B.	No exemption 64	Fireworks†	200 pounds.
(Change) Motorcycles	See sec. 105			
(Add) Nicotine sulfate, liquid	Pois. B.	338, 349	Poison	55 gallons.
(Add) Nitroguanidine, dry, see High explosives.				
(Add) Oleum, see Sulfuric acid.				
(Change) Pyroxylin plastics, rods, sheets, rolls, tubes.	Inf. S.	197	Yellow†	350 pounds.
(Change) Self-propelled vehicles	See sec. 105			
(Change) Tractors	Do.			

*See sec. 4.

†Required for rail express and water shipments only.

PART 3—REGULATIONS APPLYING TO SHIPPERS

Superseding and amending section 13, order Aug. 16, 1940, to read as follows, effective upon publication of this order:

13. WATER CARRIER REGULATIONS

The packing required for shipments to be offered to common carriers by water is as specified herein.

Superseding and amending section 18, order Aug. 16, 1940, to read as follows, effective upon publication of this order:

18. IMPORT AND EXPORT SHIPMENTS

(a) Import shipments of explosives and other dangerous articles offered in

*Filed as part of the original document.

the United States in original packages for transportation by carriers by rail freight, rail express, motor vehicle, or water must comply with all requirements of these regulations. The importer must furnish with the order to the foreign shipper, and also to the forwarding agent at the port of entry, full and complete information as to the packing, marking, labeling, and other requirements, as prescribed herein. The forwarding agent must file with the initial carrier in the United States a properly certified shipping order or other shipping paper as prescribed herein.

(b) Shipments of explosives and other dangerous articles offered for transportation via common carrier by water from the United States, its insular possessions, or dependencies, destined to such insular possessions or territory, dependencies, or

to a foreign country, must be packed, marked, labeled and described in accordance with the rules and regulations in force at destination ports or as prescribed in these regulations.

PREPARATION OF ARTICLES FOR TRANSPORTATION BY CARRIERS BY RAIL FREIGHT, RAIL EXPRESS, HIGHWAY, OR WATER

Superseding and amending section 26, order Aug. 16, 1940, to read as follows:

26. QUANTITY LIMITATIONS

(a) When quantity limitations are specified in these regulations by U. S. liquid measure or by avoirdupois weight it is authorized that quantities measured by the metric system may be substituted, up to but not exceeding 1 gallon for liquids and 10 pounds for solids, on the basis of 1 liter per quart specified and 500 grams per pound specified.

(b) When quantity limitations do not appear in the packing requirements, the permitted gross weight or capacity authorized for a container to be offered for transportation by carrier by rail freight, rail express, highway, or water is shown in the container specification. (See also sec. 27.)

Superseding and amending items of section 31 (a), table, order Aug. 16, 1940, as follows (previous specification containers):

Where these regulations call for specification Nos.	These specification containers may also be used
105A300	A. R. A. V-I. C. C. 105 ¹ , I. C. C. 105A-300W.
105A400	I. C. C. 105A400W.
105A500	I. C. C. 105A500W.
105A600	I. C. C. 105A600W.
106A500	I. C. C. 27 cylinders mounted on or forming part of a car, and classified as multi-unit tank cars prior to October 1, 1930. ¹

(Delete) * (These tank cars are not authorized for shipment of chlorine.)

(Add) † Cylinders made under specification B. E. 27 mounted on or forming part of a car, and classified as multi-unit tank cars prior to October 1, 1930, may be continued in service until further order of the Commission, provided they have been properly retested and are fitted with valves, valve protection devices, and safety devices, of approved type.

Superseding and amending section 61 (b) (3), (f) (1), and (f) (3) (a), (b) and (c), order Aug. 16, 1940, as follows (packing high explosives):

(Change) (b) (3) All boxes in which high explosives are packed must be lined with strong paraffined paper or other suitable material, except as provided in secs. 61 (d) (6) and 61 (e) (6). Lining must be without joints or other openings or with cemented joints at the bottom, ends, or sides of boxes, and for explosives with liquid ingredient must be impervious to such ingredient and also to water. Covers of boxes must be protected from contact with explosives by lining paper or other suitable material. (See spec. 2L for authorized lining material.)

(Change) (f) (1) Ammonium picrate, nitroguanidine, nitrourea, picric acid, tetryl, trinitroresorcinol, and trinitro-

toluene, in dry condition, in addition to containers prescribed in sec. 61 (e) (1) to (e) (6) must be shipped in containers complying with the following specifications:

(Add) (f) (3) (a) Trinitrotoluene, in dry condition, in addition to containers prescribed in sec. 61 (e) (1) to (e) (6), (f) (2) and (f) (3), may be shipped in specification containers as follows:

(Add) (f) (3) (b) Spec. 14, 15A, or 16A: Wooden boxes with strong paper or cloth bags of capacity not exceeding 100 pounds, packed with filling holes up.

(Add) (f) (3) (c) Spec. 14, 15A, or 16A: Wooden boxes with strong sift-proof liners, spec. 2L.

Amending section 65 (f), order Aug. 16, 1940, as follows (*packing smokeless powder for small arms*):

(Add) (f) (7) Bundles of metal kegs, spec. 13, firmly tied together with rope and wrapped in strong burlap, canvas, or similar material, securely sewed and roped, authorized. Net weight of powder must not exceed 100 pounds.

Superseding and amending section 100, order Aug. 16, 1940, to read as follows (*inflammable liquid defined*):

100. An inflammable liquid is any liquid which gives off inflammable vapors (as determined by flash point from Tagliabue's open-cup tester, as used for test of burning oils) at or below a temperature of 80° F.

Superseding and amending section 106 (g), order Aug. 16, 1940, to read as follows (*packing carbon bisulfide-disulfide*):

(g) Tank cars as prescribed in sec. 110 (a) (13). (See sec. 423 for shipping instructions.)

Superseding and amending section 110 (a) (3), order Aug. 16, 1940, to read as follows (*packing inflammable liquids*):

(a) (3) Spec. 5, 5A, 5B, 5C, or 5G: Metal barrels or drums.

Amending section 110, order Aug. 16, 1940, as follows, effective upon publication of this order, (*packing inflammable liquids*):

(Add) (a) (16) Spec. 15X: Wooden boxes with inside metal containers. For shipment via common carriers by water to noncontiguous territories or possessions of the United States and foreign countries. Authorized for rail freight and motor vehicle transportation in carload and truckload shipments only.

(Add) (a) (17) Spec. 17X: Metal drums (single-trip). For shipment via common carriers by water to noncontiguous territories or possessions of the United States and foreign countries. Authorized for rail freight and motor vehicle transportation in carload and truckload shipments only.

(Add) (a) (18) Spec. 17E: Metal drums (single-trip), not over 55 gallons capacity, not less than full 19 gauge body and head sheets for not over 30-gallon drums,

and not less than full 18 gauge body and head sheets for not over 55-gallon drums, without opening except bung hole not exceeding 2.3 inches in diameter. For shipment via common carriers by water to noncontiguous territories or possessions of the United States and foreign countries. Authorized for rail freight and motor vehicle transportation in carload and truckload shipments only.

Superseding and amending section 110 (b) (7), order Aug. 16, 1940, to read as follows (*packing inflammable liquids*):

(b) (7) Spec. 12E: Fiberboard box with 1 or 2 square metal inside containers of not over 5 gallons capacity each.

Superseding and amending section 162 (b) (8), order Aug. 16, 1940, to read as follows (*loading lump charcoal*):

(b) (8) When a chute is used in loading the car, the chute must contain a properly constructed screen which must be kept clean. This screen shall be not less than 3/4 inch mesh. Forks with prongs not less than 1 inch apart must be used instead of shovels to handle the charcoal. The screenings which accumulate in the doorway of the car must be removed before loading the doorway. The car should be swept before loading, and a car which has contained lime must be thoroughly cleaned before loading with charcoal. The doors of the car must be closed tightly before the car is forwarded.

Amending section 189, order Aug. 16, 1940, as follows (*packing phosphorus, amorphous, red*):

(Add) (c) Spec. 6A or 6B; also 37D, single-trip container, for gross weight not over 160 pounds: Metal barrels or drums.

Superseding and amending section 207 (b) (2), order Aug. 16, 1940, to read as follows (*packing sulfide of sodium or potassium*):

(b) (2) Spec. 15A, 15B, 15C, or 16A: Wooden boxes with inside bottles of not more than 5 pounds capacity each, or metal cans, with tight covers.

Amending order Aug. 16, 1940, as follows:

(Add) 254A (a) *Chromic acid solution* must be packed in specification containers as follows:

(b) In containers prescribed in sec. 246.

(c) Spec. 17E: Metal drums (single-trip), not over 5 gallons capacity.

Amending section 261A, order Aug. 16, 1940, as follows (*packing formic acid*):

(Add) (d) Spec. 10A: Wooden barrels or kegs, lined with latex rubber.

Superseding and amending section 303 (1) (3), order Aug. 16, 1940, to read as follows (*packing acetylene gas*):

(1) (3) When the porosity of the filling material is 75 percent to 83 percent, the amount of solvent at 70° F. must not

exceed 40 percent by volume of the water capacity of the cylinder shell.

Superseding and amending item of table and note 12, section 303 (q) (1), order Aug. 16, 1940, to read as follows (*compressed gases in tank cars*):

Name	Density	Tank car
Methyl chloride.....	{ 75 75	ICC-106A500 ICC-105A300

NOTE 12: Tanks complying with specification 106A500 containing sulfur dioxide or dichlorodifluoromethane may be transported on trucks or semi-trailers only, when securely checked or clamped thereon to prevent shifting, and provided adequate facilities are present for handling tanks where transfer in transit is necessary.

MARKING AND LABELING

Superseding and amending section 404 (r), order Aug. 16, 1940, to read as follows (*empty containers*):

(r) Labels for empty containers must be not less than 6 inches on each side, white in color, and printed in letters not less than 1 inch high in black ink and as shown below:

SHIPPING INSTRUCTIONS

Superseding and amending section 416, order Aug. 16, 1940, to read as follows:

416. CARS FUMIGATED WITH INFLAMMABLE LIQUIDS OR TOXIC OR POISONOUS LIQUIDS OR GASES

(a) Delivery to carrier of cars fumigated with inflammable liquid is prohibited until 48 hours have elapsed after fumigation.

(b) Cars fumigated with poisonous or toxic liquid or gas must be placarded on each door or near thereto with placard reading as follows:

(Red lettering on white cardboard)

10 inches

<p style="text-align: center;">DANGER</p> <p style="text-align: center;">This car has been</p> <p style="text-align: center;">FUMIGATED</p> <p style="text-align: center;">with</p> <p style="text-align: center;">(Name of poisonous liquid or gas)</p> <p style="text-align: center;">Before Unloading, open both doors and DO NOT ENTER until car is free of gas.</p>
--

Superseding and amending section 421, order Aug. 16, 1940, to read as follows, effective upon publication of this order:

421. CERTIFICATE

The shipper offering for transportation by carriers by rail freight, highway, or water any class A or class B explosive and blasting caps or electric blasting caps in any quantity, and any inflammable liquid, inflammable solid, oxidizing material, corrosive liquid, compressed gas, or poison, requiring labels, as prescribed by these regulations must show on the shipping order, bill of lading or other shipping paper in the lower left-hand corner the following certificate over the written or stamped facsimile sig-

nature of the shipper or his duly authorized agent:

(No change in wording of certificate. See Note.)

NOTE: For the relief of shippers from multiplicity of certifications required for packages which may move by carriers by water, and pending further consideration and order of the Commission, such shipments may be certified for rail, motor vehicle, or water transportation as follows:

This is to certify that the above articles are properly described by name, and are packed and marked and are in proper condition for transportation according to the applicable regulations prescribed by the Interstate Commerce Commission and the Secretary of Commerce.

SHIPPING CONTAINER SPECIFICATIONS

Amending specification 3A, pars. 19 (c) and 20, order Aug. 16, 1940, as follows:

Delete notes † and ‡ from par. 20 and add so as to follow par. 19 (c).

Amending specification 3BN, par. 19 (b), order Aug. 16, 1940, as follows:

(Add) † Lot numbers, not over 500 cylinders in each lot, authorized for cylinders not over 2 inches outside diameter.

(Add) ‡ Symbol in front of or following the number with ample space between is also authorized. Other variation in location authorized only when necessitated by lack of space.

Superseding and amending specification 3BN, order Aug. 16, 1940, to read as follows:

(Add) 22. Acceptance not authorized under paragraph 22.

Amending specification 3D, order Aug. 16, 1940, as follows:

(Add) † Lot numbers, not over 500 cylinders in each lot, authorized for cylinders not over 2 inches outside diameter.

(Add) ‡ Symbol in front of or following the number with ample space between is also authorized. Other variation in location authorized only when necessitated by lack of space.

Superseding and amending specification 3E, pars. 13 (b), (c), and (d), 14, 15 (a), (b), and (c), 16, 16 (a) and (b), and 17, order Aug. 16, 1940, to read as follows:

13. (b), (c), and (d), 14, 15 (a), (b), and (c), 16, 16 (a) and (b). These paragraphs do not apply.

Amending specification 3E, order Aug. 16, 1940, as follows:

(Add) † Symbol in front of or following the number with ample space between is also authorized. Other variation in location authorized only when necessitated by lack of space.

Amending specification 4, par. 15 (a), order Aug. 16, 1940, as follows:

(Add) * * * For lots of 30 or less, physical and flattening tests are author-

ized to be made on a ring at least 8 inches long cut from each cylinder and subjected to same heat treatment as the finished cylinder.

Amending specification 4, par. 19 (b), order Aug. 16, 1940, as follows:

(Add) † Lot numbers, not over 500 cylinders in each lot, authorized for cylinders not over 2 inches outside diameter.

(Add) ‡ Symbol in front of or following the number with ample space between is also authorized. Other variation in location authorized only when necessitated by lack of space.

Superseding and amending specification 4C, par. 9, order Aug. 16, 1940, to read as follows:

9. (a) *Wall thickness.* The wall stress shall not exceed 18,000 pounds per square inch for cylinders with longitudinal side seam nor 24,000 pounds per square inch for cylinders without such seam: *Provided*, That a wall stress of not over 22,800 pounds per square inch is authorized for cylinders with copper brazed side seam having strength at least $3/2$ times the strength of the steel wall. Minimum wall 0.100 inch for any cylinder over 5 inches outside diameter: *Provided*, That, subject to the foregoing stress limitations, cylinders of not over 3,881 cubic inches (16 gallons with 5 percent tolerance) capacity, not over 13 inches outside diameter, and with service pressure not over 116 pounds per square inch, may be made with wall thickness not less than 0.093 inch.

(b) Calculation must be made by the formula:

$$S = \frac{P(1.3D^2 + 0.4d^2)}{D^2 - d^2}$$

where S = wall stress in pounds per square inch; P = test pressure prescribed for water jacket test or 348 pounds per square inch whichever is the greater; D = outside diameter in inches; d = inside diameter in inches.

Superseding and amending specification 8, par. 15 (b), order Aug. 16, 1940, to read as follows:

(b) Porosity of filling to be 80 percent or less, except that filling with a porosity in excess of 80 percent but not in excess of 83 percent may be used when tested with satisfactory results under the supervision of the Bureau of Explosives. Where the porous mass has a porosity in excess of 80 percent but not in excess of 83 percent the pores shall be uniform and shall not be visible at a magnification of 200 diameters. A cylinder taken at random from each lot of 200 or less cylinders must be tested for porosity. Should test cylinders fail, test of each cylinder of the lot is authorized, cylinders passing test to be acceptable.

Superseding and amending specification 10B, par. 7 (b), table, order Aug. 16, 1940, to read as follows:

(6th column, 3rd item) $3/16$ inch.

Superseding and amending specification 12B, par. 27, order Aug. 16, 1940, to read as follows:

27. *Special box. Authorized only for sheet pyroxylin.* Must comply with this specification with the following additions and exceptions: Must be of telescope type; board must be double-faced or double-wall corrugated fiberboard, made with facings at least 0.030 inch thick, of at least 500-pound test strength; closure by cloth tape at least 4 inches wide (see par. 11) extending across and along all open edges is authorized in lieu of closing by adhesive; authorized gross weight 90 pounds.

Superseding and amending specification 12E, 2d par. 16 (a) and pars. 17 and 23, order Aug. 16, 1940, to read as follows:

(b) One butt joint taped is authorized; 3-inch tape required.

17. *Flanged heads.* Each head must have four flanges, one on each edge, creased to bend over outside body of the box and then under the body flanges, of length at least 5 inches exclusive of creases.

23. (a) *Authorized gross weight (when packed) and parts required.* Board for outside container must be corrugated fiberboard at least 400-pound test; body must be double-wall board; heads may be double-faced board. Authorized gross weight 110 pounds.

(b) Box is authorized only for 1 or 2 square metal inside containers of not over 5 gallons capacity each.

Superseding and amending specification 15A, par. 12, table 3, line 45, order Aug. 16, 1940, to read as follows:

45 $1/2$ $1/2$ $7/16$ $7/16$ $3/8$ $1 1/32$

Superseding and amending specification 15C, par. 12, table 3, line 35, order Aug. 16, 1940, to read as follows:

35 $7/16$ $7/16$ $3/8$ $1 1/32$ $1 1/32$ $9/32$

Amending order Aug. 16, 1940, as follows, effective upon publication of this order:

(Add) SPECIFICATION 15X WOODEN BOXES FOR TWO FIVE-GALLON CANS

1. *Compliance.* Required in all details.

2. *Closed box.* Parts and pieces to be in close contact.

3. *Ends.* To be of Group I, II, or III wood not over 2-piece.

4. *Sides, top and bottom.* To be of Group I, II, or III wood, not over 3-piece.

5. (a) *2-piece ends.* Joints must be fastened with at least 3 corrugated fasteners.

(b) *Corrugated fasteners.* To be 1" wide and with penetration of $1/2$ inch.

6. *Lumber.* To be well seasoned, commercially dry, and free from decay, loose knots, knots that would interfere with nailing, and other defects that would materially lessen the strength.

7. Groupings of principal woods.

Group I

White pine.	Willow.
Norway pine.	Noble fir.
Aspen (popple).	Magnolia.
Spruce.	Buckeye.
Western (yellow) pine.	White fir.
Cottonwood.	Cedar.
Balsam fir.	Redwood.
Yellow poplar.	Butternut.
Chestnut.	Cucumber.
Sugar pine.	Alpine fir.
Cypress.	Lodgepole pine.
Basswood.	Jackpine.

Group II

Southern yellow pine.	North Carolina pine.
Larch (tamarack).	Douglas fir.
Hemlock.	

Group III

White elm.	Black gum.
Red gum.	Black ash.
Sycamore.	Tupelo.
Pumpkin ash.	Maple, soft or silver.

8. *Width of pieces.* At least 2" for sides, top and bottom if in two pieces, or 2 3/8" for tops and bottoms and at least 4" for sides if in three pieces.

9. *Thickness of lumber.* As follows:

(a) *Ends.* Thickness to be not less than 3/4" for Group I or II lumber and 1 1/16" for Group III lumber.

(b) *Sides, top and bottom.* Thickness to be not less than 3/8".

10. *Assembly.* By nailing with either bright or cement-coated nails, size and spacing as follows:

Top to each end: 5 nails (1 1/2" by 12 1/2 gauge).

Bottom to each end: 6 nails (1 3/4" by 12 gauge).

Sides to each end: 6 nails (1 1/2" by 12 1/2 gauge).

11. *Marking.* On each box in letters and figures at least 1/2" high in a rectangle as follows:

ICC—15X

(This mark shall be understood to certify that box complies with all specification requirements.)

INSIDE CAN

Size: Approximate dimensions 9 3/8 x 9 3/8 x 13 1/8 inches.

Approximate capacity: 1,188 cu. in.

Top: Embossed.

Seams: Crimped and soldered.

Closure: Airtight and leakproof.

Handles: Wire.

Bottom: Embossed.

Seams: Crimped and soldered.

Body: Paneled on 4 sides.

Two seams; Clinched and soldered.

Material: IC (107 lb.) tin orterne plate.

Average weight: 2 pounds 8 ounces.

Marking: No specification marking required.

Superseding and amending *specification 17E*, par. 7, table, line 55, order Aug. 16, 1940, to read as follows, effective upon publication of this order:

55 St. side *18 18 (1) -- --

Amending order Aug. 16, 1940, as follows, effective upon publication of this order:

(Add) SPECIFICATION 17X STEEL BARRELS OR DRUMS

Single Trip Container

Removable head containers not authorized

GENERAL

1. *Compliance.* Required in all details.

Marked capacity not over (gallons).....	30.	55.
Type of container.....	St. side.	St. side.
Minimum thickness in the black (gauge U. S. Standard)	Body sheet: 19.	Body sheet: 18.
Type of rolling hoops.....	Head sheet: 19.	Head sheet: 18.
	Rolled or swedged-in hoops.	Rolled or swedged-in hoops.

7. *Flat or convexed heads.* When heads are convexed (crowned) they shall not extend within 1/4 inch of the chime level; maximum convexity 1 1/32 inch for 55-gallon drums.

8. (a) *Closures.* Adequate to prevent leakage; gaskets required.

(b) *Closing part (plug, cap, plate, etc.) must be of metal as thick as prescribed for head of container; this not required for containers of 12 gallons or less when the opening to be closed is not over 2.3" diameter and the closing part is constructed, or fitted with sealing device, so that it cannot be removed without destroying it or the sealing device.

*This does not apply to a cap seal over a closure when closure complies with all requirements.

(c) For closure with threaded plug or cap, the seat (flange, etc.) for plug, or cap, must have 3 or more complete threads; two drainage holes of not over 5/16" diameter are allowed only in flanges having at least 5 threads. Plug, or cap, must have sufficient length of thread to engage 3 threads when screwed home with gasket in place.

(d) Closure must be of screw-thread type or fastened by screw-thread device.

9. *Defective containers.* Leaks and other defects to be repaired by method used in constructing containers, not to be soldered.

MARKING

10. *On each container.* By embossing on head with raised marks as follows:

(a) ICC-17X: This mark shall be understood to certify that the container complies with all specification requirements. The letters STC located just below or above the ICC mark to indicate "single trip container."

2. *Rated capacity.* As marked, see paragraph 10 (c). Actual capacity of straight-sided containers shall not be less than rated (marked) capacity plus 2%, nor greater than rated capacity plus 2%, plus 1 quart.

MATERIAL

3. *Composition.* Sheets for body and heads to be low carbon, open hearth or electric steel.

4. *Weight of sheets.* Average draft weight not less than as follows:

Gauge, U. S. Standard No.....	18	19
Standard weight per sq. ft. (pounds).....	2.00	1.75
Authorized tolerances (percent).....	3 1/2	3 1/2

CONSTRUCTION

5. (a) *Seams.* Body seams welded.

(b) Head and chime seams welded or double-seamed.

6. *Parts and dimensions.* As follows:

(b) Name or symbol of maker.

(c) Gauge of metal in thinnest part, rated capacity in gallons, and year of manufacture (for example, 18-55-41).

(d) Steel barrels or drums manufactured prior to March 31, 1941, which are in compliance with this specification except as to marking may be accepted as permitted by these regulations without necessity of having the marking embossed on the head in raised letters. The shipping paper shall, however, certify that the drum is in compliance.

11. *Size of markings* (minimum). 3/4 inch high.

TESTS

12. *Type tests.* Samples, taken at random and closed as for use, shall withstand prescribed tests without leakage. Tests to be repeated every four months. Samples last tested to be retained until further tests are made. The type tests are as follows:

(a) Test by dropping filled with water to 98% capacity from height of 4 feet onto solid concrete, so as to strike diagonally on chime seam; also additional drop test on any other parts which might be considered weaker than the chime. Closing devices and other parts projecting beyond chime or rolling hoops must also be capable of withstanding this test.

(b) Hydrostatic pressure test of 15 pounds per square inch sustained for 5 minutes.

13. *Leakage test.* Each container shall be tested, with seams under water or covered with soapsuds or heavy oil, by interior pressure of at least 7 pounds per square inch. Leakers shall be rejected or repaired and retested.

Superseding and amending *specification 31*, par. 7, mark, order Aug. 16, 1940, to read as follows:

ICC—31

Superseding and amending *specification 37H*, par. 5 (b), order Aug. 16, 1940, to read as follows:

(b) Drums of 26 gauge head and body sheets with lap-welded body seams are also authorized for sizes 5 to 40 gallons with maximum authorized gross weight of 220 pounds.

TANK CAR TANK SPECIFICATIONS

Amending preface to tank car tank specifications, order Aug. 16, 1940, as follows:

(Add) FUSION WELDED TANK SPECIFICATIONS

The A. A. R. paragraphs herein are published for information only. Requirements contained in A. A. R. paragraphs are subject to change by the Association of American Railroads, mechanical division, without prior notice to the Interstate Commerce Commission or without public hearing. For Association of American Railroads' requirements, and modifications thereof, interested parties are referred to publication of the A. A. R. mechanical division titled *Specifications for Tank Cars*.

Superseding and amending *specification 107A*, par. 3 (b), last subpar., order Aug. 16, 1940, to read as follows (*thickness of wall*):

$\frac{D^3-d^3}{D^2+d^2}$ = The smaller value obtained for this factor by the operations specified in paragraph 3 (c).

Amending *specifications 105A300-W, 105A400-W, 105A500-W, and 105A600-W*, order Aug. 16, 1940, as follows (*venting, loading and discharging, etc.*):

(Add) ICC-11: (e) Tanks for use in the transportation of chlorine must have the interior pipes of the liquid discharge valves equipped with check valves of an approved design.

(Add) ICC-19: (b) Tanks used for the transportation of chlorine must be retested as prescribed in paragraph 19 (a) at intervals of two years or less.

PART 4—REGULATIONS APPLYING PARTICULARLY TO CARRIERS BY RAIL FREIGHT

Amending order Aug. 16, 1940, as follows, effective upon publication of this order:

(Add) 512. EXPORT SHIPMENTS VIA DOMESTIC CARRIERS BY RAIL

(a) Explosives and other dangerous articles authorized to be exported from the United States when packed, marked, labeled, and described, in accordance with rules and regulations in force at destination ports, must not be accepted

by any common carrier by rail for domestic transportation unless in full accordance with the regulations herein.

(b) Spec. 15X: Wooden boxes with inside metal containers. For shipment via common carriers by water to noncontiguous territories or possessions of the United States and foreign countries. Authorized for rail freight transportation in carload shipments only.

(c) Spec. 17X: Metal drums (single-trip). For shipment via common carriers by water to noncontiguous territories or possessions of the United States and foreign countries. Authorized for rail freight transportation in carload shipments only.

(d) Spec. 17E: Metal drums (single-trip), not over 55 gallons capacity, without opening except bung hole not exceeding 2.3 inches in diameter. For shipment via common carriers by water to noncontiguous territories or possessions of the United States and foreign countries. Authorized for rail freight transportation in carload shipments only.

Amending order Aug. 16, 1940, as follows:

(Add) 513. QUANTITY LIMITATIONS

When quantity limitations are specified in these regulations by U. S. liquid measure or by avoirdupois weight it is authorized that quantities measured by the metric system may be substituted, up to but not exceeding 1 gallon for liquid and 10 pounds for solids, on the basis of 1 liter per quart specified and 500 grams per pound specified.

Superseding and amending section 533, footnote "a", order Aug. 16, 1940, to read as follows (*loading and storage chart*):

*Blasting caps or electric blasting caps in quantities not exceeding 1,000 caps may be loaded or stored with all articles named except those in columns b, c, e, f, 3, 9, 10, 11 and 12.

Superseding and amending section 541 (b), order Aug. 16, 1940, to read as follows (*placards on cars*):

(b) Cars containing one or more packages bearing red, yellow, white acid, or corrosive liquid caution labels, or white "poison" labels, as prescribed by sec. 404 (e) to (h) and (k), or without labels as authorized in sec. 402 (p).

Amending section 579, order Aug. 16, 1940, to read as follows:

579. CARS FUMIGATED WITH INFLAMMABLE LIQUIDS OR TOXIC OR POISONOUS LIQUIDS OR GASES

(a) Delivery to carrier or transportation of cars fumigated with inflammable liquid is prohibited until 48 hours have elapsed after fumigation.

(b) Cars fumigated with poisonous or toxic liquid or gas must be placarded on each door or near thereto with placard reading as follows:

(Red lettering on white cardboard)

10 inches

DANGER

This car has been

FUMIGATED

with

(Name of poisonous liquid or gas)

Before Unloading, open both doors and DO NOT ENTER until car is free of gas.

Amending section 584 (a), order Aug. 16, 1940, as follows (*indorsements on billing*):

(Add) NOTE: When placards prescribed by previous requirements are used in conformity with authority granted in section 545 (e), the indorsement "Inflammable", "Acid", "Corrosive Liquid", "Compressed Gas", or "Poisonous", should be used.

PART 6—REGULATIONS APPLYING TO RAIL CARRIERS IN BAGGAGE SERVICE

Superseding and amending section 705, order Aug. 16, 1940, to read as follows:

705. PLACARDS

Placards ordinarily used to indicate the presence in cars of inflammable articles will not be required on baggage cars in charge of a railroad employee and moving in passenger trains, or on electric or gasoline motor cars in charge of an employee of the carrier, and which are run independently of cars carrying passengers. (See sec. 542A for placarding of cars not occupied by carrier's employee.)

MOTOR CARRIER SAFETY REGULATIONS, REVISED, PART 7

Amending rule 7.1042, order Apr. 1, 1940, as follows, effective upon publication of this order (*certification of packages*):

(Add) NOTE: For the relief of shippers from multiplicity of certifications required for packages which may move by carriers by water, and pending further consideration and order of the Commission, such shipments may be certified for rail, motor vehicle, or water transportation as follows:

This is to certify that the above articles are properly described by name, and are packed and marked and are in proper condition for transportation according to the applicable regulations prescribed by the Interstate Commerce Commission and the Secretary of Commerce.

Superseding and amending rule 7.512411, order Apr. 1, 1940, to read as follows (*cargo tanks tested*):

7.512411 *Cargo tanks*. Every cargo tank shall be tested by completely filling the tank and dome with water or other liquid having a similar viscosity, the temperature of which shall not exceed 100° F. during the test, and applying a pressure of 1½ times designed working pressure but not less than 10 pounds per square inch gage. The tank must hold the prescribed pressure for at least 10 minutes without leakage or evidence of

distress. All closures shall be in place while test is made, and the pressure shall be gaged at the top of tank.

Superseding and amending heading loading table 7.1-1, order Apr. 1, 1940, to read as follows:

Loading and Storage Table 7.1-1.

Superseding and amending footnote 1, loading and storage table, 7.1-1, order Apr. 1, 1940, to read as follows:

¹ Blasting caps or electric blasting caps in quantities not exceeding 1,000 caps may be loaded and transported with all articles named except those in columns b, c, e, f, 3, 9, 10, 11 and 12. Certain small quantities of blasting caps may be transported with high explosives under the loading and packing requirements set forth in these regulations. (See rules 7.207091 and 7.207093 of section 7.2 and recommended specifications in appendix 7.2 of these regulations.)

Amending Revised Table 7.1-2, Appendix 7.1—*Alphabetical List of Explosives and Other Dangerous Articles*, order Dec. 18, 1940, as follows:

(Add) Article:	Index No.
Amyl chloride.....	104A
Diethylamine.....	128A
Nicotine sulfate, liquid.....	502A
Nitroguanidine, dry.....	33, 566
Oleum.....	345

Superseding and amending items, Appendix 7.1, Table 7.1-3—*Requirements List*, order Dec. 18, 1940, as follows, effective upon publication of this order, except as noted:

(Add) EXPORT SHIPMENTS VIA DOMESTIC CARRIERS BY MOTOR VEHICLE

(Effective upon publication of this order)

Explosives and other dangerous articles authorized to be exported from the United States when packed, marked, labeled, and described, in accordance with rules and regulations in force at destination ports, must not be accepted by any carrier by motor vehicle for domestic transportation unless in full accordance with the regulations herein.

Spec. 15X: Wooden boxes with inside metal containers. For shipment via common carriers by water to noncontiguous territories or possessions of the United States and foreign countries. Authorized for motor vehicle transportation in truckload shipments only.

Spec. 17X: Metal drums (single-trip). For shipment via common carriers by water to noncontiguous territories or possessions of the United States and foreign countries. Authorized for motor vehicle transportation in truckload shipments only.

Spec. 17E: Metal drums (single-trip), not over 55 gallons capacity, without opening except bung hole not exceeding 2.3 inches in diameter. For shipment via common carriers by water to noncontiguous territories or possessions of

the United States and foreign countries. Authorized for motor vehicle transportation in truckload shipments only.

(Add) QUANTITY LIMITATIONS

When quantity limitations are specified in these regulations by U. S. liquid

measure or by avoirdupois weight it is authorized that quantities measured by the metric system may be substituted, up to but not exceeding 1 gallon for liquid and 10 pounds for solids, on the basis of 1 liter per quart specified and 500 grams per pound specified.

No.	Class and name	Exemptions	Containers ¹	Label and marking
(Add) 104A.....	"Amyl chloride".....	Same as items 100 to 169.	Same as items 100 to 169.....	Same as items 100 to 169.
(Change) 353.....	"Argon" (gaseous).....	Same as item 351.....	Cylinders.	Green.
(Change, effective upon publication of this order) 355.	"Carbon dioxide" or as "Liquefied carbon dioxide" (liquefied).	Same as item 350.....	Type B cargo tanks. Cylinders. Type B cargo tanks. Special tank vehicle. ¹⁴	Green.
(Change) 301.....	"Caustic potash, liquid" or as "Potash, caustic solution" or "Potassium hydroxide solution".	Same as items 300 to 310.	Same as items 300 to 310 except add: Caustic potash, liquid, may be transported in tank motor vehicles marked "For caustic potash, liquid, only".	Same as items 300 to 310.
(Change) 302.....	"Caustic soda, liquid" or as "Sodium hydroxide solution".	Same as items 300 to 310.	Same as items 300 to 310 except add: Caustic soda, liquid, may be transported in tank motor vehicles marked "For caustic soda, liquid, only".	Same as items 300 to 310.
(Change, effective upon publication of this order) 362.	"Dichlorodifluoromethane" (gaseous or liquefied).	Same as item 350 or 351 depending upon state.	Cylinders. Tank containers. ¹⁵ Type B cargo tanks. ¹	Green.
(Add) 128A.....	"Diethylamine".....	Same as items 100 to 169.	Same as items 100 to 169.....	Same as items 100 to 169.
(Change) 369.....	"Helium" (gaseous or liquefied).	Same as item 350 or 351 depending upon state.	Cylinders Type B cargo tanks.	Green.
(Change) 379.....	"Neon gas" (gaseous).	Same as 351.....	Cylinders Type B cargo tanks.	Green.
(Add) 502A.....	"Nicotine sulfate, liquid".	Same as items 491 to 506.	Same as items 491 to 506.....	Same as items 491 to 506.
(Change) 380.....	"Nitrogen" (gaseous).	Same as item 351.....	Cylinders Type B cargo tanks.	Green.
(Add).....	Nitroguanidine, dry, See High explosives.			
(Add).....	Oleum, See Sulfuric acid.			
(Change) 383.....	"Oxygen" (gaseous).....	Same as item 351.....	Cylinders Type B cargo tanks.	Green.
(Change) 267.....	"Phosphorus, amorphous, red" (I. S.)	No exemption.....	Wooden boxes, Metal barrels or drums.	Yellow.
(Change) 40.....	"Smokeless powder for small arms."	Fire-extinguisher charges containing not to exceed 50 grains of smokeless powder per unit are exempt from these regulations.	Fiberboard boxes. Metal kegs or metal kegs in bundles wrapped in burlap, canvas, or similar material. Wooden barrels, boxes, or kegs.	
(Change, effective upon publication of this order) 387.	"Sulfur dioxide" (liquefied).	Same as item 350.....	Cylinders. Tank containers. ¹⁵ Type B cargo tanks. ¹	Green.

¹² Tanks complying with specification 106A500 containing sulfur dioxide or dichlorodifluoromethane may be transported on trucks or semi-trailers only, when securely chocked or clamped thereon to prevent shifting, and provided adequate facilities are present for handling tanks where transfer in transit is necessary.

¹⁴ This special tank vehicle, consisting of one semi-trailer unit on which is mounted three steel tanks of fusion welded construction covered with insulating material, may be continued in use by the Johnson Truck Line, Price, Utah, for the transportation of liquefied carbon dioxide gas until further order of the Commission, provided the vehicle is marked as prescribed in Rule 7.6051 and bears a metal identification plate as prescribed in Rule 7.61141 of the Motor Carrier Safety Regulations.

It is further ordered, That the aforesaid regulations as further amended herein shall be and remain in force on and after July 1, 1941, except as noted, and shall be observed until further order of the Commission;

It is further ordered, That compliance with the aforesaid amendments made effective by this order is hereby authorized on and after the date of approval and publication thereof;

And it is further ordered, That copies of this order be served upon all the par-

ties of record herein, and that notice to the public be given by posting in the office of the Secretary of the Commission at Washington, D. C.

Dated at Washington, D. C., this 31st day of March 1941.

By the Commission, Commissioner Johnson.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 41-2523; Filed, April 7, 1941; 11:25 a. m.]

Notices

WAR DEPARTMENT.

RESTRICTIONS ON CERTAIN TRANSACTIONS INVOLVING PROPERTY IN WHICH CERTAIN FOREIGN COUNTRIES, OR ANY NATIONAL THEREOF, MAY HAVE AN INTEREST

8. *Yugoslavia*. Executive Order No. 8721, March 24, 1941 (6 F.R. 1622), further extends the provisions of Executive Order No. 8389, referred to, so as to include Yugoslavia or any national thereof effective on or since March 24, 1941, and the instructions of the Treasury and War Department in paragraph 1 are similarly applicable.¹ (R.S. 161; 5 U.S.C. 22) [Proc. Cir. 21, W.D., July 25, 1940, as amended by Proc. Cir. 21, W. D., Apr. 1, 1941]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41-2549; Filed, April 8, 1941; 10:52 a. m.]

[Contract No. W 669 qm-10007; O. I. No. 3644]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: J. P. STEVENS & COMPANY, INCORPORATED

Contract for Cloth, Cotton, Khaki.
Amount: \$2,314,792.50.

Place: Philadelphia Quartermaster Depot, Philadelphia, Pa.

This contract, entered into this second day of December, 1940.

Scope of this contract. The contractor shall furnish and deliver * * * yards Cloth, Cotton, Khaki for the consideration stated totaling two million, three hundred fourteen thousand, seven hundred ninety-two dollars and fifty cents (\$2,314,792.50) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

Delays—Damages. If the contractor refuses or fails to make delivery of acceptable material or supplies within the time or times specified in Article 1, or any extension or extensions thereof, the actual damage to the Government for the

delay will be impossible to determine, and in lieu thereof the contractor shall pay to the Government as fixed, agreed, and liquidated damages for each calendar day of delay in the delivery of any articles, the amount as set forth in the specifications or accompanying papers, and the contractor and his sureties shall be liable for the amount thereof.

Liquidated damages. Under the terms and conditions stipulated in Article 17 of this contract, the contractor shall pay to the Government, as liquidated damages, for each calendar day of delay in the delivery of any article a sum equal to * * * per centum of the price of such article for each day's delay after the time specified for delivery.

Bond: Furnished. Amount: \$462,-958.50.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority QM 350 P2-0240 A 0515-01, the available balance of which is sufficient to cover cost of same.

This contract authorized under Procurement Directive No. P-C-139.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-2541; Filed, April 7, 1941; 2:05 p. m.]

[Contract No. W-398-qm-8926; O. I. No. 1750]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: DIAMOND T MOTOR CAR COMPANY

Contract for: Trucks, * * * with Cargo Bodies & Closed cabs.

Amount: \$9,404,265.00.

Place: Holabird Quartermaster Depot, Baltimore, Maryland.

This contract, entered into this 4th day of December, 1940.

Scope of this contract. The contractor shall furnish and deliver * * * Trucks * * * Motor, Gasoline, with Cargo Bodies & Closed Cabs, Total \$9,404,265.00 for the consideration stated and in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Liquidated damages. If the contractor refuses or fails to make delivery of the materials or supplies within the time specified in Article 1, or any extension thereof, the actual damage to the Government for the delay will be impossible to determine, and in lieu thereof the contractor shall pay to the

Government, as fixed, agreed, and liquidated damages for each calendar day of delay in making delivery, the amount as set forth in the specifications or accompanying papers, and the contractor and his sureties shall be liable for the amount thereof. Liquidated Damages shall be assessed against the contractor in the amount of * * * per unit for each calendar day of delay in making delivery.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

Variations: Quantities listed hereon are subject to increase of not to exceed * * * vehicles. This increase option to remain in effect until * * *.

Bond: Performance. Amount: \$2,-351,066.25.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority QM 1801 P 37-3053 A 0525.003-01 the available balance of which is sufficient to cover cost of same.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-2540; Filed, April 7, 1941; 2:05 p. m.]

[Contract No. W-398-qm-9095; O. I. #2091]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: YELLOW TRUCK & COACH MANUFACTURING COMPANY (GENERAL MOTORS TRUCK & COACH DIVISION)

Contract for Trucks, * * *.

Amount: \$63,925,772.50.

Place: Holabird Quartermaster Depot, Baltimore, Maryland.

This contract, entered into this 7th day of December, 1940.

Scope of this contract. The contractor shall furnish and deliver * * * Trucks, * * *, Total, \$63,925,772.50, in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

¹ Paragraph 8 is added. See 5 F.R. 2939 and 5 F.R. 1400.

Delays—Liquidated damages. If the contractor refuses or fails to make delivery of the materials or supplies within the time specified in Article 1, or any extension thereof, the actual damage to the Government for the delay will be impossible to determine, and in lieu thereof the contractor shall pay to the Government, as fixed, agreed, and liquidated damages for each calendar day of delay in making delivery, the amount as set forth in the specifications or accompanying papers, and the contractor and his sureties shall be liable for the amount thereof.

Liquidated damages shall be assessed against the contractor in the amount of * * * Dollars per vehicle for each calendar day of delay, on all vehicles not delivered by the contract completion date of * * *.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

Terms of payment: Discount will be allowed for prompt payment as follows: 20 calendar days \$ * * * per unit.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authorities:

QM-1801-P-37-3053-A-0525.003-01
NG-15459-P-63-3030-A-1405-01
NG-15443-P-65-3030-A-1405-01
ENG-82-P-3-3030-A-0905-01
ENG-200-P-3-3030-A-0905-01
ENG-70-P-12-3030-A-1210-01

the available balance of which is sufficient to cover cost of same.

This contract authorized under section 1 (a), Act of July 2, 1940 (Public, No. 703, 76th Congress).

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-2543; Filed, April 7, 1941;
2:06 p. m.]

[Contract No. W-271-ORD-521]

SUMMARY OF CONTRACT FOR SUPPLIES¹

CONTRACTOR: INGERSOLL STEEL & DISC DIVISION, BORG-WARNER CORPORATION

Contract for: * * * Cases, Cartridge * * *, How.
Amount: \$7,960,500.00.

¹ Approved by the Under Secretary of War March 28, 1941.

No. 69—3

Place: Chicago Ordnance District Office, 309 N. Jackson Boulevard, Chicago, Ill.

The * * * cases, Cartridge * * *, Howitzers, to be obtained under this contract are authorized by, are for the purpose set forth in, and are chargeable to the Procurement Authority O. S. & S. A. ORD-6868 P11-0270 A 1005-01, the available balance of which is sufficient to cover the cost of this contract.

This contract, entered into this seventh day of January, 1941.

Scope of this contract. The contractor shall furnish and deliver cases, Cartridge * * *, Howitzer for the consideration of seven million nine hundred sixty thousand five hundred (\$7,960,500.00) dollars, in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Payments will be made on partial deliveries accepted by the Government when requested by the contractor, whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

Liquidated damages. If the Contractor refuses or fails to make delivery of the materials or supplies within the time specified in Article 1, or any extension thereof, the actual damage to the Government for the delay will be impossible to determine, and in lieu thereof, the Contractor shall pay to the Government, as fixed, agreed, and liquidated damages * * * percent of the contract price of the undelivered portion for each day of delay in making delivery beyond the dates set forth in the contract for deliveries with a maximum liquidated damage charge of * * * per cent, and the Contractor and his sureties shall be liable for the amount thereof.

Increased quantities. The Government reserves the right to increase the quantity on this contract by as much as * * * per cent and at the Unit price specified in Article 1, such option to be exercised within * * * days from date of this contract.

Termination when contractor not in default. This contract is subject to termination by the Government at any time as its interests may require.

Performance bond. Contractors shall be required to furnish a performance bond in duplicate in the sum of ten per centum of the total amount of this con-

tract with surety or other security acceptable to the Government to cover the successful completion of this contract.

Place of manufacture. The Contractor will perform the work under this contract in the factory or factories listed below:

West Pullman Plant of the Ingersoll Steel & Disc Division of Borg-Warner Corporation, 1000 West 120th Street, Chicago, Illinois.

Government ownership of facilities. The new facilities, listed with prices in Appendix A, made a part of this contract and incorporated herein, the total price of which is included in the total price of the contract for which the contractor is reimbursed, are to be the property of the Government, and title to them shall vest in the Government. The Government hereby grants to the contractor the right to use, without the payment of rental therefor, such facilities in connection with the work herein contracted for, and any additional work for which the Government may hereafter contract, and the contractor agrees at its own expense to keep such facilities in good operating condition and repair and make all necessary repairs and replacements thereof.

Price adjustments. The contract prices stated in Article 1 are subject to adjustments for changes in labor and materials costs.

General. It is expressly agreed that quotas for labor will not be altered on account of delays in completion.

This contract is authorized by the act of July 2, 1940 (Public, No. 703—76th Congress).

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-2542; Filed, April 7, 1941;
2:06 p. m.]

[Contract No. W 669 qm-10008;
O. I. No. 3645]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: REEVES BROTHERS, INC.

Contract for: Cloth, Cotton, Khaki.

Amount: \$1,046,592.50.

Place: Philadelphia Quartermaster Depot, Philadelphia, Pa.

This contract entered into this Second day of December 1940.

Scope of this contract. The contractor shall furnish and deliver * * * yards Cloth, Cotton Khaki for the consideration stated totaling one million, forty-six thousand, five hundred ninety-two dollars and fifty cents (\$1,046,592.50) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided.

Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

Delays—Damages. If the contractor refuses or fails to make delivery of acceptable material or supplies within the time or times specified in Article 1, or any extension or extensions thereof, the actual damage to the Government for the delay will be impossible to determine, and in lieu thereof the contractor shall pay to the Government as fixed, agreed, and liquidated damages for each calendar day of delay in the delivery of any articles, the amount as set forth in the specifications or accompanying papers, and the contractor and his sureties shall be liable for the amount thereof.

Liquidated damages. Under the terms and conditions stipulated in Article 17 of this contract, the contractor shall pay to the Government, as liquidated damages, for each calendar day of delay in the delivery of any article a sum equal to * * * percentum of the price of such article for each day's delay after the time specified for delivery.

Bond: Furnished. Amount: \$209,318.50.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority QM 350 P2-0240 A 0515-01, the available balance of which is sufficient to cover cost of same.

This contract authorized under Procurement Directive No. P-C-139.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-2548; Filed, April 8, 1941;
10:52 a. m.]

[Contract No. W 303 ord-903]

SUMMARY OF CONTRACT FOR SUPPLIES *

CONTRACTOR: NATIONAL MALLEABLE AND
STEEL CASTINGS COMPANY

Contract for Shell, * * *, Fin Assembly for Shell, * * *.
Amount: \$2,283,040.00.

Place: Cleveland Ordnance District,
1450 Terminal Tower, Cleveland, Ohio.

The supplies to be obtained by this instrument are authorized by, for the purposes set forth in, and are chargeable to the Procurement Authority ORD 6835 P11-0270 A1005-01, the available balance of which is sufficient to cover cost of same.

* Approved by the Under Secretary of War March 31, 1941.

This contract, entered into this 19th day of March 1941.

Scope of this contract. The contractor shall furnish and deliver the following: Item 1 Shell, * * *, Item 2 Fin Assembly for Shell, * * *, for the consideration stated two million, two hundred eighty-three thousand, forty dollars (\$2,283,040.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Payments will be made on partial deliveries accepted by the Government when requested by the contractor, whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

Quantities. The Government reserves the right to increase the quantity on this contract by as much as * * * %, and at the unit price specified in Article 1, such option to be exercised within * * * days from date of this contract.

Performance bond. Contractors shall be required to furnish a performance bond in duplicate in the sum of ten percentum of the total amount of this contract with surety or other security acceptable to the Government to cover the successful completion of this contract.

Termination when contractor not in default. This contract is subject to termination by the Government at any time as its interests may require.

Place of manufacture. The contractor will perform the work under this contract in the factory or factories listed below:

National Malleable and Steel Castings Company Plant, Cleveland, Ohio.

Price adjustments. The contract prices stated in Article 1 are subject to adjustments for changes in labor or material costs.

This contract is authorized by the Act of July 2, 1940 (Public, No. 703—76th Congress).

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-2547; Filed, April 8, 1941;
10:52 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-612]

PETITION OF RUSH RUN COAL COMPANY, A CODE MEMBER IN DISTRICT 4, FOR THE ESTABLISHMENT OF A PRICE OF \$1.50 PER TON F. O. B. MINE FOR TRUCK SHIPMENT OF ITS COAL IN SIZE GROUP 10 TO THE BEECH BOTTOM POWER COMPANY IN MARKET AREA 9

[Docket No. A-684]

PETITION OF DISTRICT BOARD 6, REQUESTING THE DELINEATION OF A CONSUMING ZONE WITHIN MARKET AREA 9, AND FURTHER REQUESTING REVISION OF EFFECTIVE MINIMUM PRICES ESTABLISHED FOR CERTAIN PRODUCERS IN DISTRICT 6 FOR COALS SHIPPED TO POINTS WITHIN SAID CONSUMING ZONE

MEMORANDUM OPINION AND ORDER DENYING TEMPORARY RELIEF

These proceedings were instituted upon original petitions filed by Rush Run Coal Company, a code member in District 4, on January 23, 1941 (Docket No. A-612) and by District Board 6 on February 20, 1941 (Docket No. A-684). Pursuant to an Order of the Director dated February 28, 1941, and after notice to all interested persons, the matters were consolidated and a hearing held on March 11, 1941, before a duly designated Examiner of the Division. Represented at the hearing were the petitioners, District Board 4, North American Coal Corp., Hanna Coal Company of Ohio, and Consumers' Counsel Division.

Petitioner Rush Run Coal Company ("Rush Run"), a code member in District 4, seeks the establishment of a new size classification for truck shipment corresponding to Size Group 10, "Sub-Standard Coal", in the effective price schedule for all shipments except truck, and an f. o. b. mine price of \$1.50 per net ton for such coal shipped by truck to the Beech Bottom Power Company ("the Power Company"). Petitioner claims that with the addition of 15¢ per ton for trucking charges and 10¢ per ton for the river ferry, a delivered price of \$1.75 at the Power Company would result. The effective minimum prices for truck shipment of Rush Run coals range from \$1.80 to \$2.75, and no size group classification for sub-standard coal is now included in the District 4 schedule for truck shipments.

District Board 6, in Docket No. A-684, seeks the delineation of a "consuming zone" coinciding with the area occupied by the Power Company, the establishment of sizeable reductions in the effective minimum prices of District 6 for shipment to such "zone" via river and truck, and the determination of reasonable transportation charges to that zone". The District Board also requests recoordination of the minimum prices for trucked and river-shipped coals to the "zone".

It appears that the Power Company operates a power plant on the Ohio River at Power, West Virginia, in Market Area 9. In the past, the Power Company has received its coal from an affiliated mine adjacent to the plant, but it seems that very recently, in order to purchase necessary additional tonnage, it has entered the commercial market as a substantial buyer of coal. It may receive coal via river and by truck; rail freight rates are prohibitive.

It was represented that the cost of production of mine run coal at the mine supplying the Power Company was \$1.763 per net ton in 1940; and that, unless the effective minimum prices f. o. b. mine of commercial coal were so reduced as to effectuate a delivered price at the Power Company to approximate that figure, the Power Company would undertake a \$200,000 program to increase the capacity of the affiliated mine. However, no representative of the Power Company or the affiliated company appeared and testified at the hearing, and it appears that no expansion program has been commenced. Moreover, the Power Company has recently purchased 10,000 tons of coal for delivery via river.

In part, the relief sought raises questions involving the establishment of a new size group classification for District 4 for truck shipments, the adoption of a unique type of market delineation for a single consumer, and the determination of fair transportation charges for shipments to that consumer. These are questions which require careful deliberation and a close consideration of the relationship of the relief requested to the whole structure of effective minimum prices. These matters therefore do not lend themselves readily to temporary relief.

The request that the minimum prices established for the truck mines in Districts 4 and 6 which are adjacent to the Power Company should be reduced to permit them to compete fairly with mines in Districts 4 and 6 having river facilities appears to be reasonable. It is a proper subject for an order concerning temporary relief. Upon more thorough consideration of the entire record, the request may eventually be denied. But, meanwhile, it appears that truck mines are being deprived of a potential market by the effective minimum prices, and that situation should be remedied. The reductions in the effective minimum prices for truck mines, as hereinafter provided,

afford a tentative solution to the problem presented. They do not reduce the level of prices at which the Power Company may now buy coal, but do permit fair competition for this business between river and truck mines, by temporarily establishing as the level of minimum prices for all coal shipped to the Power Company the presently effective minimum prices for coal moving by river. The potential movement of coal from the truck mines to the Power Company is not large, and the reductions will therefore have little effect on the realization of either Districts 4 or 6. It appears that the Power Company purchases coals only in Size Groups 7 and 8, and relief is only necessary for coals in those Size Groups. Generally such coals are priced 25¢ higher f. o. b. mine for shipment by truck than for comparable river-shipped coals.

This market must be distinguished from other markets referred to by petitioners as analogous, for, in those cases, there was a history of substantial shipments of coals and a showing of preexisting competition and competitive opportunities. There is no history in this record of open competition or competitive opportunities to any significant extent for the business of the Power Company.

The Director is therefore of the opinion that a reasonable showing of necessity has been made for the temporary relief hereinafter granted; that no producer or consumer will be prejudiced by the granting of such temporary relief pending the final disposition of the petitions herein; and

It is therefore ordered, That commencing forthwith, pending final disposition of the petitions herein, the Schedule of Effective Minimum Prices for District No. 4 for *Truck Shipments* is temporarily amended as follows:

The effective minimum prices herein provided for coals of mines in Belmont and Jefferson Counties in Size Groups 7 and 8 may be reduced 25¢ per ton, for shipment to the Beech Bottom Power Company at Power, West Virginia, in Market Area 9: *Provided, however*, That any mine which shall ship coal at such reduced prices shall file with the Division a verified weekly report indicating (1) the tonnage shipped, (2) the size of the coal, (3) the type or quality of the coal, and (4) an itemized statement of the transportation costs or charges for such shipments.

It is further ordered, That commencing forthwith, pending final disposition of the petitions herein, the Schedule of Effective Minimum Prices for District No. 6 for *Truck Shipments* is amended as follows:

The effective minimum prices herein provided for Size Groups 7 and 8 may be reduced 25¢ per ton when for shipment to the Beech Bottom Power Company at Power, West Virginia, in Market Area 9: *Provided, however*, That any mine which shall ship coal at such re-

duced prices shall file with the Division a verified weekly report indicating (1) the tonnage shipped, (2) the size of the coal, (3) the type or quality of the coal, and (4) an itemized statement of the transportation costs or charges for such shipments.

Notice is hereby given that applications to stay, terminate, or modify this temporary order, or pleadings in opposition to the final relief requested in the original petition, may be filed pursuant to the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Nothing contained herein shall be construed to express an opinion of the Director regarding the granting of final or permanent relief in this proceeding. Dated: April 7, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-2571; Filed, April 8, 1941;
10:43 a. m.]

[Docket No. A-766]

PETITION OF CONSUMERS' COUNSEL DIVISION FOR TEMPORARY AND PERMANENT ORDERS MODIFYING THE SEASONAL DISCOUNT PROVISIONS APPLICABLE TO SHIPMENTS FROM DISTRICTS NOS. 7, 8, AND 13 INTO MARKET AREA 126

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party:

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on April 23, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That D. C. McCurtain or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or

entitles having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before April 17, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of Consumers' Counsel Division for temporary and permanent orders modifying the seasonal discount provisions applicable to shipments from Districts Nos. 7, 8, and 13 into Market Area 126, so that the discounts now effective during the month of April be in effect throughout the months of April to August, inclusive.

Dated: April 7, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-2556; Filed, April 8, 1941;
10:38 a. m.]

[Docket No. 1574-FD]

IN THE MATTER OF EMORY SCALF,
DEFENDANT

ORDER FOR POSTPONEMENT OF HEARING

Hearing in the above-entitled matter having been heretofore duly set for April 8, 1941, at 10 o'clock, at the Circuit Court House, Madisonville, Kentucky,

It is ordered, That the hearing in the above-entitled matter be and the same is hereby postponed to and set for April 22, 1941, at the place above named, commencing at the hour of 10:00 a. m.

Dated: April 7, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-2565; Filed, April 8, 1941;
10:40 a. m.]

[Docket No. 1575-FD]

IN THE MATTER OF HIRAM N. SMITH,
DEFENDANT

ORDER FOR POSTPONEMENT OF HEARING

Hearing in the above-entitled matter having been heretofore duly set for April 7, 1941, at 10 o'clock, at the Circuit Court House, Madisonville, Kentucky,

It is ordered, That the hearing in the above-entitled matter be and the same is hereby postponed to and set for April 21, 1941, at the place above named, commencing at the hour of 10:00 a. m.

Dated: April 7, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-2559; Filed, April 8, 1941;
10:39 a. m.]

[Docket No. 1576-FD]

IN THE MATTER OF ELBERT BARROW,
DEFENDANT

ORDER FOR POSTPONEMENT OF HEARING

Hearing in the above-entitled matter having been heretofore duly set for April 9, 1941, at 10 o'clock, at the Circuit Court House, Madisonville, Kentucky,

It is ordered, That the hearing in the above-entitled matter be and the same is hereby postponed to and set for April 23, 1941, at the place above named, commencing at the hour of 10:00 a. m.

Dated: April 7, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-2564; Filed, April 8, 1941;
10:40 a. m.]

[Docket No. 1577-FD]

IN THE MATTER OF JOYCE BASHAN,
DEFENDANT

ORDER FOR POSTPONEMENT OF HEARING

Hearing in the above-entitled matter having been heretofore duly set for April 9, 1941, at 10 o'clock, at the Circuit Court House, Madisonville, Kentucky,

It is ordered, That the hearing in the above-entitled matter be and the same is hereby postponed to and set for April 23, 1941, at the place above named, commencing at the hour of 10:00 a. m.

Dated: April 7, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-2563; Filed, April 8, 1941;
10:40 a. m.]

[Docket No. 1578-FD]

IN THE MATTER OF D. B. FIELDS,
DEFENDANT

ORDER FOR POSTPONEMENT OF HEARING

Hearing in the above-entitled matter having been heretofore duly set for April 7, 1941, at 10 o'clock, at the Circuit Court House, Madisonville, Kentucky,

It is ordered, That the hearing in the above-entitled matter be and the same is hereby postponed to and set for April 21, 1941, at the place above named, commencing at the hour of 10:00 a. m.

Dated: April 7, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-2560; Filed, April 8, 1941;
10:39 a. m.]

[Docket No. 1579-FD]

IN THE MATTER OF JOHNSON & CHATMAN,
DEFENDANT

ORDER FOR POSTPONEMENT OF HEARING

Hearing in the above-entitled matter having been heretofore duly set for April 7, 1941, at 10 o'clock, at the Circuit Court House, Madisonville, Kentucky,

It is ordered, That the hearing in the above-entitled matter be and the same is hereby postponed to and set for April 21, 1941, at the place above named, commencing at the hour of 10:00 a. m.

Dated: April 7, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-2570; Filed, April 8, 1941;
10:42 a. m.]

[Docket No. 1580-FD]

IN THE MATTER OF POSEY HANCOCK, DE-
FENDANT

ORDER FOR POSTPONEMENT OF HEARING

Hearing in the above-entitled matter having been heretofore duly set for April 9, 1941, at 10 o'clock, at the Circuit Court House, Madisonville, Kentucky,

It is ordered, That the hearing in the above-entitled matter be and the same is hereby postponed to and set for April 23, 1941, at the place above named, commencing at the hour of 10:00 a. m.

Dated: April 7, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-2562; Filed, April 8, 1941;
10:40 a. m.]

[Docket No. 1581-FD]

IN THE MATTER OF O. C. PENROD, DEFEND-
ANT

ORDER FOR POSTPONEMENT OF HEARING

Hearing in the above-entitled matter having been heretofore duly set for April 7, 1941, at 10 o'clock, at the Circuit Court House, Madisonville, Kentucky,

It is ordered, That the hearing in the above-entitled matter be and the same is hereby postponed to and set for April 21, 1941, at the place above named, commencing at the hour of 10:00 a. m.

Dated: April 7, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-2558; Filed, April 8, 1941;
10:38 a. m.]

[Docket No. 1582-FD]

IN THE MATTER OF WOLF SWENTNER,
DEFENDANT

ORDER FOR POSTPONEMENT OF HEARING

Hearing in the above-entitled matter having been heretofore duly set for April 9, 1941, at 10 o'clock, at the Circuit Court House, Madisonville, Kentucky,

It is ordered, That the hearing in the above-entitled matter be and the same is hereby postponed to and set for April 23, 1941, at the place above named, commencing at the hour of 10:00 a. m.
Dated: April 7, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-2561; Filed, April 8, 1941;
10:39 a. m.]

[Docket No. 1584-FD]

IN THE MATTER OF W. R. SMITH,
DEFENDANT

ORDER FOR POSTPONEMENT OF HEARING

Hearing in the above-entitled matter having been heretofore duly set for April 7, 1941, at 10 o'clock, at the Circuit Court House, Madisonville, Kentucky,

It is ordered, That the hearing in the above-entitled matter be and the same is hereby postponed to and set for April 21, 1941, at the place above named, commencing at the hour of 10:00 a. m.
Dated: April 7, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-2569; Filed, April 8, 1941;
10:42 a. m.]

[Docket No. 1585-FD]

IN THE MATTER OF JOHN NATION,
DEFENDANT

ORDER FOR POSTPONEMENT OF HEARING

Hearing in the above-entitled matter having been heretofore duly set for April 8, 1941, at 10 a. m., at the Circuit Court House, Madisonville, Kentucky,

It is ordered, That the hearing in the above-entitled matter be and the same is hereby postponed to and set for April 22, 1941, at the place above named, commencing at the hour of 10 a. m.
Dated: April 7, 1941.

[SEAL] H. A. GRAY,
Director.

[F. D. Doc. 41-2566; Filed, April 8, 1941;
10:41 a. m.]

[Docket No. 1586-FD]

IN THE MATTER OF B. D. MOORE,
DEFENDANT

ORDER FOR POSTPONEMENT OF HEARING

Hearing in the above-entitled matter having been heretofore duly set for April 8, 1941, at 10 a. m., at the Circuit Court House, Madisonville, Kentucky,

It is ordered, That the hearing in the above-entitled matter be and the same is hereby postponed to and set for April 22, 1941, at the place above named, commencing at the hour of 10 a. m.
Dated: April 7, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-2567; Filed, April 8, 1941;
10:41 a. m.]

[Docket No. 1587-FD]

IN THE MATTER OF B. D. MOORE,
DEFENDANT

ORDER FOR POSTPONEMENT OF HEARING

Hearing in the above-entitled matter having been heretofore duly set for April 8, 1941, at 10 a. m., at the Circuit Court House, Madisonville, Kentucky,

It is ordered, That the hearing in the above-entitled matter be and the same is hereby postponed to and set for April 22, 1941, at the place above named, commencing at the hour of 10 a. m.
Dated: April 7, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-2568; Filed, April 8, 1941;
10:41 a. m.]

[Docket No. 1509-FD]

IN THE MATTER OF ETNA GAMBLIN,
DEFENDANT

ORDER FOR POSTPONEMENT OF HEARING

Hearing in the above entitled matter having been heretofore duly set for April 7, 1941, at 10 a. m. at the Circuit Court House, Madisonville, Kentucky.

It is ordered, That the hearing in the above entitled matter be and the same is hereby postponed to and set for April 21, 1941, at the place above named, commencing at the hour of 10 a. m.
Dated: April 7, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-2557; Filed, April 8, 1941;
10:38 a. m.]

DEPARTMENT OF AGRICULTURE.

Office of the Secretary.

PROCLAMATION OF THE SECRETARY OF AGRICULTURE MADE WITH RESPECT TO THE BASE PERIOD TO BE USED FOR THE PURPOSE OF A MARKETING AGREEMENT AND AN ORDER REGULATING THE HANDLING OF LEMONS GROWN IN THE STATES OF CALIFORNIA AND ARIZONA¹

By virtue of the authority vested in the Secretary of Agriculture by Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 (50 Stat. 246 (1937), 7 U.S.C. sec. 601 et seq. Supp. V, 1939), as amended, the undersigned hereby finds and proclaims that, with respect to lemons grown in the States of California and Arizona, the purchasing power of such fruit during the pre-war period, August 1909-July 1914, cannot be satisfactorily determined from available statistics of the Department of Agriculture for the purpose of the execution of a marketing agreement and the issuance of an order regulating the handling of such fruit, but the purchasing power of such

¹ See Title 7, Chapter IX, supra.

fruit can be satisfactorily determined from available statistics of the Department of Agriculture for the post-war period, August 1919-July 1929. The period August 1919-July 1929 is, therefore, hereby declared and proclaimed to be the base period to be used in determining the purchasing power of lemons grown in the States of California and Arizona for the purpose of the execution of a marketing agreement and the issuance of an order regulating the handling of such fruit.

In witness whereof, Claude R. Wickard, Secretary of Agriculture, has executed this proclamation in duplicate and has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 5th day of April 1941.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 41-2544; Filed, April 7, 1941;
2:50 p. m.]

DEPARTMENT OF COMMERCE.

Civil Aeronautics Authority.

[Docket No. 574]

IN THE MATTER OF AN AGREEMENT FILED BY THE AIR TRAFFIC CONFERENCE OF AMERICA UNDER SECTION 412 (a) OF THE CIVIL AERONAUTICS ACT OF 1938, AS AMENDED, PERTAINING TO THE SELECTION AND EMPLOYMENT OF AGENTS, AND THE PAYMENT OF COMMISSIONS TO AGENTS

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

Oral argument in the above-entitled proceeding, now assigned for April 10, 1941, 10 o'clock a. m. (Eastern Standard Time) is hereby postponed to 2:30 p. m. (Eastern Standard Time) April 10, 1941, in Room 5044 Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated Washington, D. C., April 7, 1941.
By the Civil Aeronautics Board.

[SEAL] THOMAS G. EARLY,
Secretary.

[F. R. Doc. 41-2550 Filed, April 8, 1941;
10:53 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

[Administrative Order No. 97]

ACCEPTANCE OF RESIGNATION FROM AND APPOINTMENT TO INDUSTRY COMMITTEE NO. 20 FOR THE SINGLE PANTS, SHIRTS, AND ALLIED GARMENTS INDUSTRY

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, Philip B. Fleming, Administrator of the Wage and Hour Division, Department of Labor,

Do hereby accept the resignation of Mr. William Homer Spencer from Industry Committee No. 20 for the Single

Pants, Shirts, and Allied Garments Industry and do appoint in his stead, as representative for the public and Chairman of such Committee, Mr. Frederick H. Harbison, of Chicago, Illinois.

Signed at Washington, D. C., this 7th day of April 1941.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 41-2581; Filed, April 8, 1941;
11:44 a. m.]

[Administrative Order No. 98]

ACCEPTANCE OF RESIGNATION FROM AND APPOINTMENT TO THE SPECIAL INDUSTRY COMMITTEE FOR PUERTO RICO

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, Philip B. Fleming, Administrator of the Wage and Hour Division, Department of Labor,

Do hereby accept the resignation of Dr. José M. Gallardo from the Special Industry Committee for Puerto Rico and do appoint in his stead, as representative for the public on such Committee, Dr. José Padin, of Boston, Massachusetts.

Signed at Washington, D. C., this 7th day of April 1941.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 41-2582; Filed, April 8, 1941;
11:44 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6032]

NOTICE RELATIVE TO APPLICATION OF W. C. EWING & HARRY LAYMAN, D/B AS CUMBERLAND BROADCASTING CO. (WFNC), ASSIGNOR, AND W. C. EWING & T. K. WEYHER, TR. AS CUMBERLAND BROADCASTING CO., ASSIGNEE

Application dated July 31, 1940, for voluntary assignment of license; class of service, broadcast; class of station, broadcast; location, Fayetteville, North Carolina; present operating assignment: frequency, 1340 kc; power, 250 w. day; hours of operation, daytime.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine the legal, financial, and other qualifications of W. C. Ewing and T. K. Weyher to operate Station WFNC.

2. To obtain full information with respect to the agreement and all negotiations between Harry Layman and T. K. Weyher concerning the financing of Station WFNC and the purchase by Weyher of Layman's interest therein.

3. To determine whether the granting of the application will serve public interest.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicants on the basis of a record duly and properly made by means of a formal hearing.

The applicants are hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicants who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicants' addresses are as follows:

W. C. Ewing & Harry Layman, d/b as Cumberland Broadcasting Co., Radio Station WFNC, P. O. Box 1256, Fayetteville, North Carolina.

W. C. Ewing & T. K. Weyher, tr. as Cumberland Broadcasting Co., 226 Water Street, Fayetteville, North Carolina.

Dated at Washington, D. C., April 5, 1941.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-2551; Filed, April 8, 1941;
10:55 a. m.]

[Docket No. 6037]

NOTICE RELATIVE TO APPLICATION OF W. C. EWING & HARRY LAYMAN, D/B AS CUMBERLAND BROADCASTING CO. (WFNC)

Application dated July 25, 1940; for renewal of license; class of service, broadcast; class of station, broadcast; location, Fayetteville, North Carolina; present operating assignment: frequency, 1,340 kc., 1,370 kc. under NARBA; power, 250 w. day; hours of operation, daytime.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine the legal, financial, and other qualifications of W. C. Ewing, Harry Layman, and/or T. K. Weyher, to operate Station WFNC.

2. To determine the amount and sources of funds originally invested in Station WFNC respectively by W. C. Ewing, Harry Layman, and T. K. Weyher.

3. To determine whether the Commission was fully and correctly advised as to the financial qualifications of W. C. Ewing in connection with the original application for construction permit for Station WFNC.

4. To determine whether the Commission was fully and correctly advised, in connection with the original application for construction permit, as to the plans of the applicants for financing the construction and operation of Station WFNC.

5. To determine why the financing arrangements originally proposed by W. C. Ewing and Harry Layman with respect to the construction and operation of Station WFNC were not carried out.

6. To obtain full information as to the interests of W. C. Ewing, Harry Layman, and/or T. K. Weyher in Station WFNC as well as the connections of the latter with the station.

7. To obtain full information as to the financial condition and earnings of the station.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

W. C. Ewing & Harry Layman, d/b as Cumberland Broadcasting Company, Radio Station WFNC, P. O. Box 1256, Fayetteville, North Carolina.

Dated at Washington, D. C., April 5, 1941.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-2552; Filed, April 8, 1941;
10:55 a. m.]

[Docket No. 6047]

NOTICE RELATIVE TO APPLICATION OF JAMES F. HOPKINS, INC. (NEW)

Application dated July 10, 1940; for construction permit; class of service, high frequency broadcast; class of station, high frequency broadcast; location, Detroit, Michigan; operating assignment specified: Frequency, 46,500 kcs.; coverage, 2,130 sq. mi.; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine the applicant's qualifications to construct and operate the proposed station in the public interest.

2. To determine whether the applicant would serve an area sufficiently large to meet the requirements of the Commission's Rules Governing High-Frequency Broadcast Stations with particular reference to §§ 3.223 (b) and 3.227 (a) thereof.

3. To determine whether the transmitting equipment proposed to be installed meets the requirements of the Commis-

sion's Rules and Regulations and is satisfactory for the proposed operation.

4. To determine whether the applicant's proposed transmitter site is satisfactory for the proposed operation.

5. To determine the type and character of the service which the applicant may be expected to render if granted a permit to construct and operate the proposed station.

6. To determine whether the granting of the application will contribute toward a fair, efficient and equitable distribution of radio service within the meaning of § 307 (b) of the Communications Act of 1934.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

James F. Hopkins, Inc., 6559 Hamilton Avenue, Detroit, Michigan.

Dated at Washington, D. C., April 5, 1941.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-2553; Filed, April 8, 1941;
10:55 a. m.]

[Docket No. 6049]

NOTICE RELATIVE TO APPLICATION OF WDAS BROADCASTING STATION, INC. (WDAS)

Application dated February 28, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Philadelphia, Pa.; operating assignment specified: frequency, 1,260 kc. after NARBA power, 1 kw. (DA) night; 5 kw. day; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine the nature of the service, both program and electrical, to be rendered by Station WDAS, operating as proposed.

2. To determine the nature, extent and effect of any interference which would result within the primary service areas of Stations WOL (Washington, D. C.) and WNAC (Boston, Massachusetts) due to the operation of Station WDAS, as proposed.

3. To determine the nature, extent and effect of any interference which would

result within the primary service area of Station WDAS, operating as proposed, due to the operation of Stations WOL and WNAC.

4. Because of the pendency of the application for construction permit submitted in behalf of Trent Broadcast Corporation (B1-P-2861) and the application for construction permit submitted in behalf of WOAX, Incorporated (B1-P-2959).

5. To determine whether the granting of this application, the application of Trent Broadcast Corporation (B1-P-2861), and the application of WOAX, Incorporated (B1-P-2959), or any of them, will serve public interest, convenience and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

WDAS Broadcasting Station, Inc.,
Radio Station WDAS, 1211 Chestnut
Street, Philadelphia, Pa.

Dated at Washington, D. C., April 4, 1941.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-2554; Filed, April 8, 1941;
10:55 a. m.]

[Docket No. 6050]

NOTICE RELATIVE TO APPLICATION OF ALBERT S. AND ROBERT A. DROHLICH D/B AS DROHLICH BROS. (KDRO)

Application dated November 20, 1940, for construction permit; class of service, broadcast; class of station, broadcast; location, Sedalia, Missouri; operating assignment specified: Frequency, 800 kc. (under NARBA); power, 1 kw. day; hours of operation, daytime.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine whether the granting of the application would be consistent with the standards of good engineering practice, particularly as to blanketing area and proposed ground system.

2. To determine the area and population served by Station KDRO as now operating and the area and population

which would be served by the operation of Station KDRO, as proposed.

3. To determine the area and population which would be deprived of broadcast service during nighttime, and the availability of primary broadcast service to the Sedalia area during nighttime.

4. To determine whether, in view of the evidence adduced under the preceding issues, public interest, convenience or necessity would be served by granting the application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Albert S. and Robert A. Drohlich, d/b
as Drohlich Bros., Radio Station KDRO,
2100 West Broadway, Sedalia, Missouri.

Dated at Washington, D. C., April 5, 1941.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-2555; Filed, April 8, 1941;
10:56 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5686]

IN THE MATTER OF UTAH POWER & LIGHT COMPANY

ORDER INSTITUTING INVESTIGATION, NOTICE
TO PRODUCE AND TO SHOW CAUSE, AND
FIXING DATE OF HEARING

APRIL 1, 1941.

It appearing to the Commission that:

(a) On July 12, 1940, the Utah Power & Light Company filed and submitted proposed reclassification and original cost studies required by Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts Prescribed for Public Utilities and Licensees, effective January 1, 1937, and the Commission's order of May 11, 1937;

(b) The proposed reclassification and original cost studies filed and submitted by Utah Power & Light Company, includes among others, the alleged original cost of construction of properties acquired by Utah Power & Light Company or its predecessors from the following:

L. L. Nunn.
L. L. Nunn, Trustee.
Logan Power Company.

Telluride Power Company.
 Knight Investment Company.
 Knight Power Company.
 Utah County Light & Power Company.
 Knight Consolidated Power Company.
 Electric Company of Provo.
 Eureka Electric Company.
 Camp Floyd Electric Company.
 Institute Electric Company.
 Salt Lake & Ogden Railway Company.
 Home Telephone & Electric Company.
 Davis & Weber Counties Canal Company.
 Idaho-Utah Electric Company.
 Utah-Idaho Sugar Company.
 Gem State Light & Power Company.
 Park City Light, Heat & Power Company.
 Ontario Silver Mining Company.
 Davis County Light & Power Company.
 Merchants Light & Power Company.
 St. Anthony Light & Power Company.
 Idaho Power & Transportation Company.
 Bear Lake Power Company.
 Vernal Milling & Light Company.
 Clark Electric Power Company.
 Green River, Utah Municipal Plant.
 Moab Light & Power Company.
 Green River (Wyoming) Electric Light & Power Company.
 Kamas-Woodland Telephone Company.
 Warm Springs Power Company.
 High Creek Electric Light & Power Company.
 The Progress Company.
 Shelley Light & Power Company.
 Blacksmith Fork Light & Power Company.
 Evanston Electric Light Company.
 Willard Power Company.
 Wasatch Power Company.

(c) Agents of the Commission have undertaken a field examination of the Utah Power & Light Company's proposed reclassification and original cost studies filed with and submitted to the Commission;

(d) In the course of the field examination, the agents of the Commission have requested that Utah Power & Light Company make available to them all minute books, general and subsidiary books of account, including ledgers, journals and vouchers, and all other records, reports, memoranda, data, and information of

whatsoever nature pertaining to the original cost of construction of the properties acquired by Utah Power & Light Company or its predecessors from the companies and persons named in paragraph (b) hereof;

(e) Utah Power & Light Company has failed or refused to make available for inspection by the agents of the Commission the books and records enumerated in paragraph (d) hereof;

(f) To aid in the enforcement of the provisions of the Federal Power Act and to aid the Commission's agents in the examination of the proposed reclassification and original cost studies filed and submitted by Utah Power & Light Company as aforesaid, and in order to determine whether any person has violated or is about to violate any provision of said Act, or any rule, regulation or order under said Act, appropriate proceedings are necessary or desirable in the public interest, to ascertain the whereabouts, possession, control or custody of the minute books, general and subsidiary books of account, including ledgers, journals and vouchers, and all other records, reports, memoranda, data and information of whatsoever nature pertaining to the original cost of construction of the properties acquired by Utah Power & Light Company or its predecessors from the companies and persons named in paragraph (b) hereof;

The Commission finds that: For the purposes mentioned in paragraph (f) above, all minute books, general or subsidiary books of account, including ledgers, journals and vouchers, and all other records, reports, memoranda, data, and information of whatsoever nature pertaining to the original cost of construction of the properties acquired by Utah Power & Light Company or its predecessors from the companies and persons enumerated in paragraph (b) hereof, are relevant or material to this proceeding;

The Commission orders that: (A) An investigation be and it is hereby instituted for the purpose of aiding in the enforcement of the provisions of the Federal Power Act, to aid the Commission's agents in the examination of the proposed reclassification and original cost studies filed and submitted by Utah

Power & Light Company as aforesaid, for the purpose of ascertaining whether any person has violated or is about to violate the Federal Power Act, or any rule, regulation, or other order under the said Act, and for the purpose of ascertaining the whereabouts, possession, control or custody of minute books, general and subsidiary books of account, including ledgers, journals and vouchers, and all other records, reports, memoranda, data, and information of whatsoever nature pertaining to the original cost of construction of the properties acquired by Utah Power & Light Company, or its predecessors from the companies and persons enumerated in paragraph (b) hereof;

(B) For the purpose of said investigation a public hearing be held commencing on May 5, 1941, at 9:45 a. m., in Room 220, Federal Building, Salt Lake City, Utah, at which time the Utah Power & Light Company shall produce the minute books, general and subsidiary books of account, including ledgers, journals and vouchers, and all other records, reports, memoranda, data, and information of whatsoever nature pertaining to the original cost of construction of the properties acquired by Utah Power & Light Company or its predecessors from the companies and persons enumerated in paragraph (b) hereof, or shall show cause, if any there be, why said documents heretofore enumerated have not been and should not be made available for inspection and examination by agents of the Commission, and why the Commission should not institute appropriate proceedings against it, its officers, or directors for such failure or refusal to comply with the request of the agents of the Commission;

(C) The Trial Examiner designated to preside at said hearing is empowered to subpoena witnesses, compel their attendance, and require the production of any books, papers, correspondence, memoranda, reports, or other records described in the above finding.

By the Commission.

[SEAL]

LEON M. FUQUAY,
 Secretary.

[F. R. Doc. 41-2539; Filed, April 7, 1941;
 12:07 p. m.]